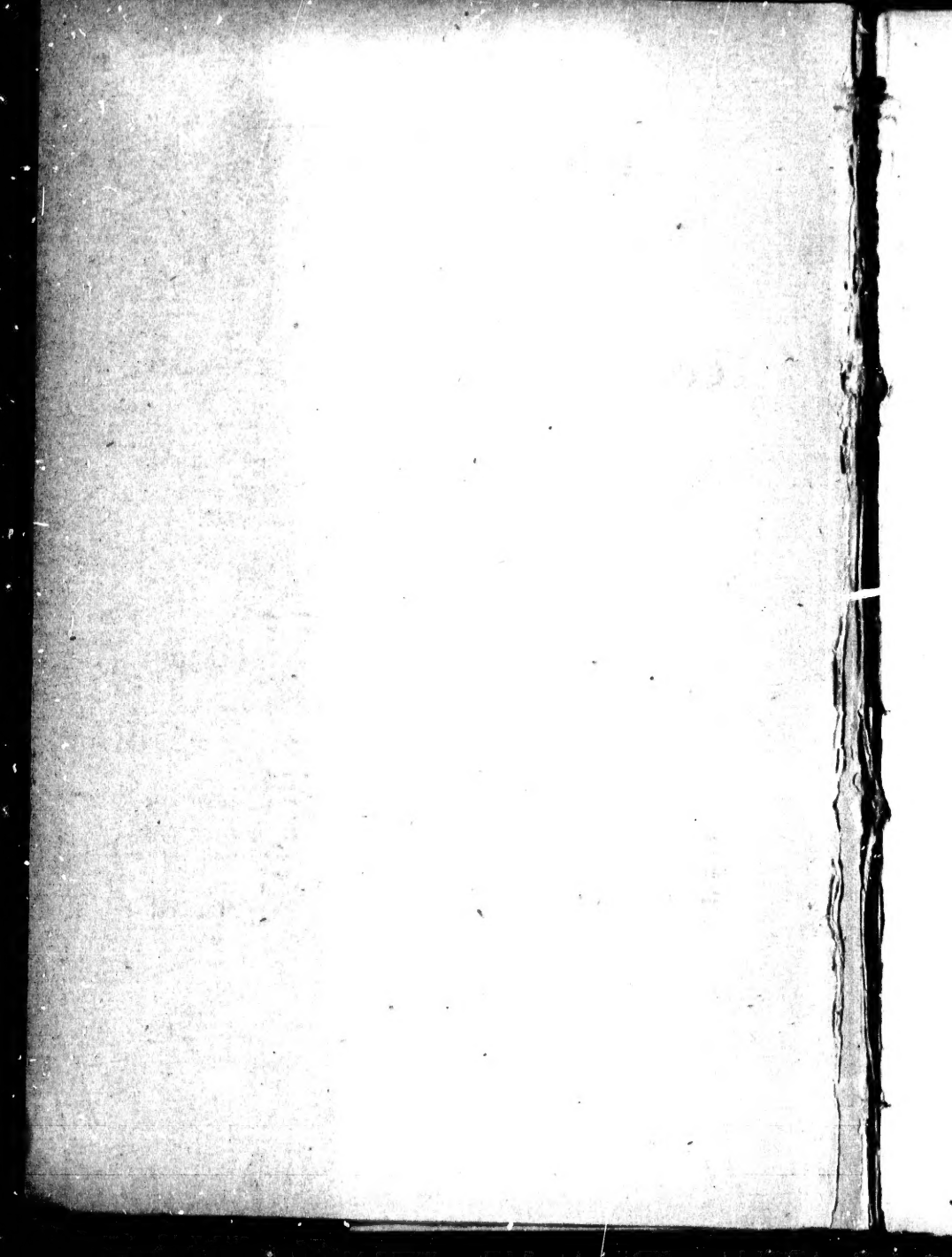




**BRIEF VIEW**

**OF THE**

**CONSTITUTION OF CANADA,**

**AND OF THE LAWS GOVERNING THE ELECTION OF**  
**MEMBERS TO THE LEGISLATIVE COUNCIL AND**  
**ASSEMBLY, THEIR PROCEEDINGS IN PAR-**  
**LIAMENT, WITH A STATISTICAL TABLE**  
**OF THE LEGISLATION OF THE CANA-**  
**DAS FROM THE CONQUEST.**

**WITH A LIST OF GOVERNORS, COUNCILLORS,**  
**OFFICERS, &c., &c., &c.**

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"But now, like many other mighty nations of the Earth, they are gone into the shades of forgetfulness, and another race with its teeming millions, is filling up the whole extent of their vast possession."

*Finley's Wyandott Mission.*

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**TORONTO:**

**W. J. COATES, PRINTER, 160, KING-ST.**

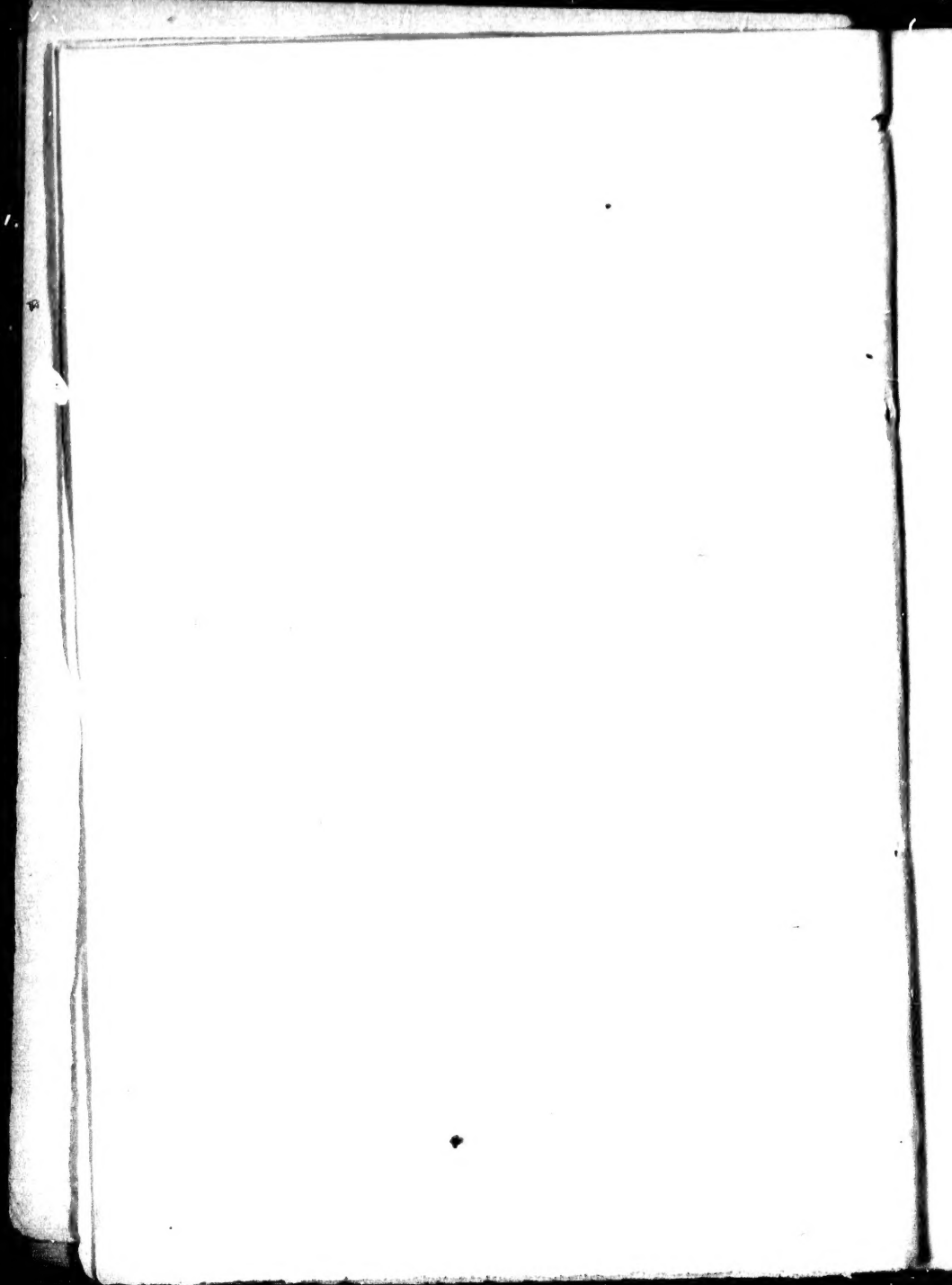
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When the present little Compilation, first suggested itself, the Author, only intended to put together, in a compendious form, the Laws relating to the election of Members to the Legislative Assembly; and afterwards, to give distinctly, the same brief view of the Laws affecting the Legislative Council, and the Executive authorities.—Finding, however, that the combining the whole, would make but one small book, he has adopted that course, as he apprehends the most likely to be satisfactory. Each branch of the Legislature, is so intimately connected with the other, that clear information could scarcely be expected, from any exclusive Treatise.



**THE GOVERNOR AND EXECUTIVE COUNCIL.**



## CONSTITUTION OF CANADA.

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THE form of Government in the British Colonies, is in most of them, borrowed from England. In England, the Supreme Legislative Power is vested, in the King, Lords, and Commons—the Executive, in the King alone. In order to assist the King, in the discharge of his duties, the maintenance of his dignity, and the exertion of his Prerogative, the law hath assigned, a diversity of Councils; the first of these, is the High Court of Parliament, secondly, the Peers of the Realm, thirdly, his Judges of the Courts of Law, for law matters, and fourthly, his Privy Council, which is generally, called by way of eminence, *the Council*, which is a “noble, honourable, and reverend Assembly of the King and of such as he wills to be of his Privy Council.” The number of this Council, is indefinite, the Cabinet Council, as it is called, consists of those members of State, who are more immediately honoured with His Majesty’s confidence, and who are summoned to consult upon the important and arduous discharge, of the Executive authority; their number and selection, depends wholly upon the King’s pleasure, and each member, receives a summons or message, for every attendance.

The nomination of particular Persons, to hold office of state, is virtually to constitute them members of the Cabinet, or Cabinet Ministers, that is, to say, the Administration. Thus the “Cabinet”



or "Administration" is generally understood, the Lord President of the Council, the Lord High Chancellor, the Lord Privy Seal, the first Lord of the Treasury, the Chancellor and under Treasurer of the Exchequer, the first Lord of the Admiralty, the Master General of the Ordnance, the Secretaries of State, for the Home Department, Colonies, and Foreign Affairs, the President of the Board of Control, for the affairs of India, the Chancellor of the Duchy of Lancaster, and the President of the Board of Trade.

Although in Canada the Rights of Person and Property, had from the conquest by the British, been secured, the people were not at first admitted to any share of Political Privilege. The Administration Civil and Military, was exercised by one Individual, uniting the Functions of Governor and Commander in Chief; and though the Quebec Act 14 Geo. 3, sec. 3, provided that there should be a Legislative Council, the nomination rested entirely with the Sovereign. In 1784, a Petition was presented, to the British Parliament, for the establishment of a Representative Constitution, and in 1791, Mr. Pitt proposed and carried, a scheme of Government, resembling that of the *Mother Country*. By the 31 Geo. 3, chap. 31, the Upper, was separated from the Lower Province, and a distinct Constitution appointed for each. The Representative Body of the latter, consisted of fifty members, and the former of seventeen. A Governor with the aid of an Executive Council, exercised all the Executive Functions. No act passed by the Legislatures, could become Law, till it received his assent, which he had power to suspend till the measure had been submitted to the Government at Home. No new Tax, could be imposed, without the consent of the Assembly.—The Jurisdiction of the Legislatures, extended to

every object connected with the Colony ; but any act affecting Religion, its Ministers or Revenues, or the waste lands belonging to the crown, was to be laid before the two Houses of Parliament, and remain there for *thirty* days, before the assent could be given.

In a despatch from Lord Glenelg, to Sir Francis Bond Head, dated the 5th December, 1835, the following formed part of his Lordship's instructions.

"To His Majesty and to Parliament, the *Governor* of Upper Canada, is at all times most fully responsible for his official acts. That this responsibility is not merely nominal, but His Majesty feels the most lively interest in the welfare of his Canadian subjects, and is ever anxious to devote a patient and laborious attention, to any representations which they may address to him, either through their representations, or as individuals. It is the duty of the Lieutenant Governor of Upper Canada, to vindicate to the King and to Parliament, every act of his administration. This responsibility to his Majesty and to Parliament, is second to none, which can be imposed on a public man, and it is one, which it is in the power of the House of Assembly, at any time, by address or petition, to bring into active operation."

The Governor, had the same power in convoking, proroguing or dissolving the assemblies, that the King has in England.

A Legislative Council was appointed in each, exercising the attributes of the House of Lords, in Great Britain, having power to alter, and even to reject all bills sent up from the Lower House.

Notwithstanding, the establishment of this form of Constitution often cited in Canada, as a "transcript of the British," various causes, for a long time, rendered the people dissatisfied with it, and

not until an alarming appearance and existence of civil discord, were the complaints silenced. The re-union of the Provinces, the British Parliament, considered as the most effectual remedy, and in 1840, by the act of the 3 and 4 Vic. chap. 35 the two Provinces were again re-united, into the Province of Canada,

One Parliament, was established for the whole Province, with some modifications, like these lately existing in the two Provinces, and a Governor appointed by the Crown, assisted by an Executive Council, formed the new and existing Constitution. This Executive Council somewhat resembles that of the Privy Council, it is bound by a similar oath of secrecy, it discharges in the same manner certain anomalous judicial Functions. In other respects it bears a greater resemblance to a Cabinet, the Governor being in the habit of taking its advice on most of the important questions of his policy. The present Executive Council consists of 15 members, the Attornies and Solicitors General for Canada West and East, the Receiver General, the Inspector General, and the Provincial Secretary, for Canada West, being of the number. The following is the form of an appointment of an Executive Councillor:

#### PATENT OF EXECUTIVE COUNCILLOR.

##### SYDENHAM.

*Province of Canada, Victoria by the Grace of God  
of the United Kingdom of Great Britain and  
Ireland.*

To all to whom these Presents shall come, or whom  
the same may concern :

KNOW YE, that we being well satisfied of the  
loyalty, integrity and ability of our trusty and well  
beloved Robert Baldwin, of our city of Toronto,

Esquire, have thought fit to admit and appoint him the said Robert Baldwin, to be one the members of our Executive Council, for the affairs of our said Province of Canada, and after he shall have taken the oaths in that behalf by law required, to take his seat in our said Council next after W. H. Draper, Esquire. To have and to hold to him the said Robert Baldwin the said office of member of our said Council, of our said Province, with all and singular the rights, privileges and profits, thereunto, appertaining or in any wise belonging for and during our Royal Pleasure.

In testimony whereof, we have caused these our Letters to be made Patent, and the Great seal of our said Province of Canada, to be hereunto affixed.

Witness our right, trusty, well beloved, the Right Honourable Charles Baron Sydenham of Sydenham in the county of Kent and of Toronto Canada, one of our most honourable Privy Council, Governor General of British North America and Captain General and Governor in Chief in and over our Province of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same, at our Government House, in our city of Montreal, in our said Province of Canada, the 13th of February, in the year of our Lord 1841, and in the fourth year of our Reign.

## LIST OF GOVERNORS AND ADMINISTRATORS.

| NAMES.                         | TITLES        | PERIOD OF<br>ACCESSION. |
|--------------------------------|---------------|-------------------------|
| Sieur de Mesy,.....            | .....         | 1663                    |
| Sieur de Courcelles,.....      | .....         | Sept. 23, 1665          |
| Sieur de Frontenac,.....       | .....         | Sept. 12, 1672          |
| Sieur de la Barre,.....        | .....         | Oct. 9, 1682            |
| Sieur Marquis de Nonville      | .....         | Aug. 2, 1685            |
| Sieur de Frontenac,.....       | .....         | Nov. 28, 1689           |
| Sieur Chevalier de Callie.     | .....         | .....                   |
| res, .....                     | .....         | Sept. 14, 1599          |
| Le Sieur Marquis de Vau-       | .....         | .....                   |
| reuil, .....                   | .....         | Sept. 17, 1703          |
| Le Sieur de Beauharnois, ..... | .....         | Sept. 2, 1726           |
| Sieur Coute de la Galisso-     | .....         | .....                   |
| niere, .....                   | .....         | Sept. 25, 1747          |
| Sieur de la Jonquiere, ...     | .....         | Aug. 16, 1749           |
| Sieur Marquis du Guesne        | .....         | .....                   |
| de Meneville,.....             | .....         | Aug. 7, 1752            |
| Sieur de Vaudriel de Ca        | .....         | .....                   |
| vagnal, .....                  | .....         | July 10, 1755           |
| James Murray, .....            | .....         | Nov. 21, 1765           |
| Paulus Emilus Irving,....      | President,    | June, 30, 1766          |
| Guy Carleton, .....            | Lt G. & C. Cf | Sept. 24, 1766          |
| Do do. ....                    | .....         | Oct. 26, 1774           |
| Hector J. Cranahe,.....        | President,    | Aug. 9, 1770            |
| Frederick Haldimand,....       | .....         | ..... 1778              |
| Henry Hamilton,.....           | Lt G. & C. Cf | ..... 1774              |
| Henry Hope, .....              | " "           | ..... 1775              |
| Lord Dorchester,.....          | Gov. General, | ..... 1776              |
| Colonel Clarke,.....           | Lt G. & C. Cf | ..... 1791              |
| Lord Dorchester,.....          | .....         | Sept. 24, 1793          |
| Robert Prescott, ....          | .....         | ..... 1796              |
| Sir Robert S. Milnes,....      | Lieut. Gov.   | July 31, 1799           |
| Hon. Thomas Dunn,.....         | President,    | July 31, 1805           |
| Sir J. H. Craig,.....          | Gov. General, | Oct. 24, 1807           |
| Honorable Thomas Dunn,         | President,    | June 19, 1811           |
| Sir George Provost, .....      | Gov. General. | Sept. 14, 1811          |

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| NAMES.                    | TITLES         | PERIOD OF<br>ACCESSION. |
|---------------------------|----------------|-------------------------|
| Sir G. Drummond,.....     | Ad. in Chief,  | April 14, 1815          |
| John Wilson, .....        | Administrator, | May 22, 1816            |
| Sir J.G. Sherbrooke G C B | Gov. General,  | July 12, 1816           |
| Duke of Richmond K C B    | " "            | July 30, 1818           |
| Hon. James Monk.....      | President,     | Sept. 20, 1819          |
| Sir Peregrine Maitland,.  | " "            | Sept. 20, 1820          |
| Earl of Dalhousie, G C B  | Gov. General,  | June 18, 1820           |
| Sir Francis Matt Burton,  |                |                         |
| K. C. B. ....             | Lieut. Gov.    | June 7, 1824            |
| Earl of Dalhousie, G C B  | Gov. General,  | Sept. 23, 1825          |
| Sir James Kemp, G C B     | .....          | Sept. 8, 1828           |
| Lord Aymer,.....          | .....          | July — 1830             |
| Earl of Gosford,.....     | Gov. General,  | ..... 1834              |
| Sir John Colborne,.....   | Administrator, | Feb. 27, 1838           |
| Earl of Durham,.....      | Gov. General   | May — 1838              |
| Sir John Colborne,.....   | Administrator, | Nov. — 1838             |
| Do do .....               | Gov. General,  | Jany. — 1839            |
| Rt. Hon. C. P. Thompson   | " "            | Oct. — 1839             |

# LIST OF LIEUTENANT GOVERNORS, ETC. FOR UPPER CANADA.

| NAMES.                                             | TITLES.       | PERIOD OF<br>ACCESSION. |
|----------------------------------------------------|---------------|-------------------------|
| Col. John Graves Simcoe,                           | Lieut. Gov'r, | July 8, 1792            |
| The Hon. Peter Russell,                            | President,    | July 23, 1796           |
| Lieut. Gen. Peter Hunter,                          | Lieut. Gov'r, | Aug. 17, 1799           |
| The Hon. Alex. Grant,...                           | President,    | Sept. 11, 1805          |
| His Excellency Francis,<br>Gore,.....              | Lieut. Gov'r, | Aug. 25, 1806           |
| Major General Sir Isaac<br>Brock,.....             | President,    | Sept. 30, 1811          |
| Maj. General Sir R. Hale<br>Sheaffe,.....          | " "           | Oct. 20, 1812           |
| Major General Baron de<br>Rottenburgh,.....        | " "           | June 19, 1813           |
| Lieut. General Sir Gor-<br>don Drummond, K C B     | " "           | Dec. 13, 1813           |
| Lieut. General Sir George<br>Murray, Bart.....     | Lieut. Gov'r, | April 25, 1815          |
| Maj. Genl. Sir Frederick<br>Philippe Robinson, KCB | " "           | July 1, 1815            |
| His Excellency Francis<br>Gore,.....               | " "           | Sept. 15, 1815          |
| The Hon. Samuel Smith,                             | Administrator | June 11, 1817           |
| Maj. Genl. Sir Peregrine<br>Maitland, K C B .....  | Lieut. Gov'r, | Aug. 13, 1818           |
| The Hon. Samuel Smith,                             | Administrator | March 8, 1820           |
| Sir Peregrine Maitland,<br>K. C. B. ....           | Lieut. Gov'r, | June 30, 1820           |
| Sir John Colborne,.....                            | " "           | Nov. 5, 1828            |
| Str Francis B. Head,.....                          | " "           | Jany. — 1836            |
| Sir George Arthur,.....                            | " "           | March — 1838            |

## LIST OF GOVERNORS ETC. OF CANADA SINCE THE RE-UNION.

Lord Sydenham,\* Governor General,  
Sir Richard Jackson, Administrator, September, 1841.  
Sir Charles Bagot, Governor General, January, 1842.

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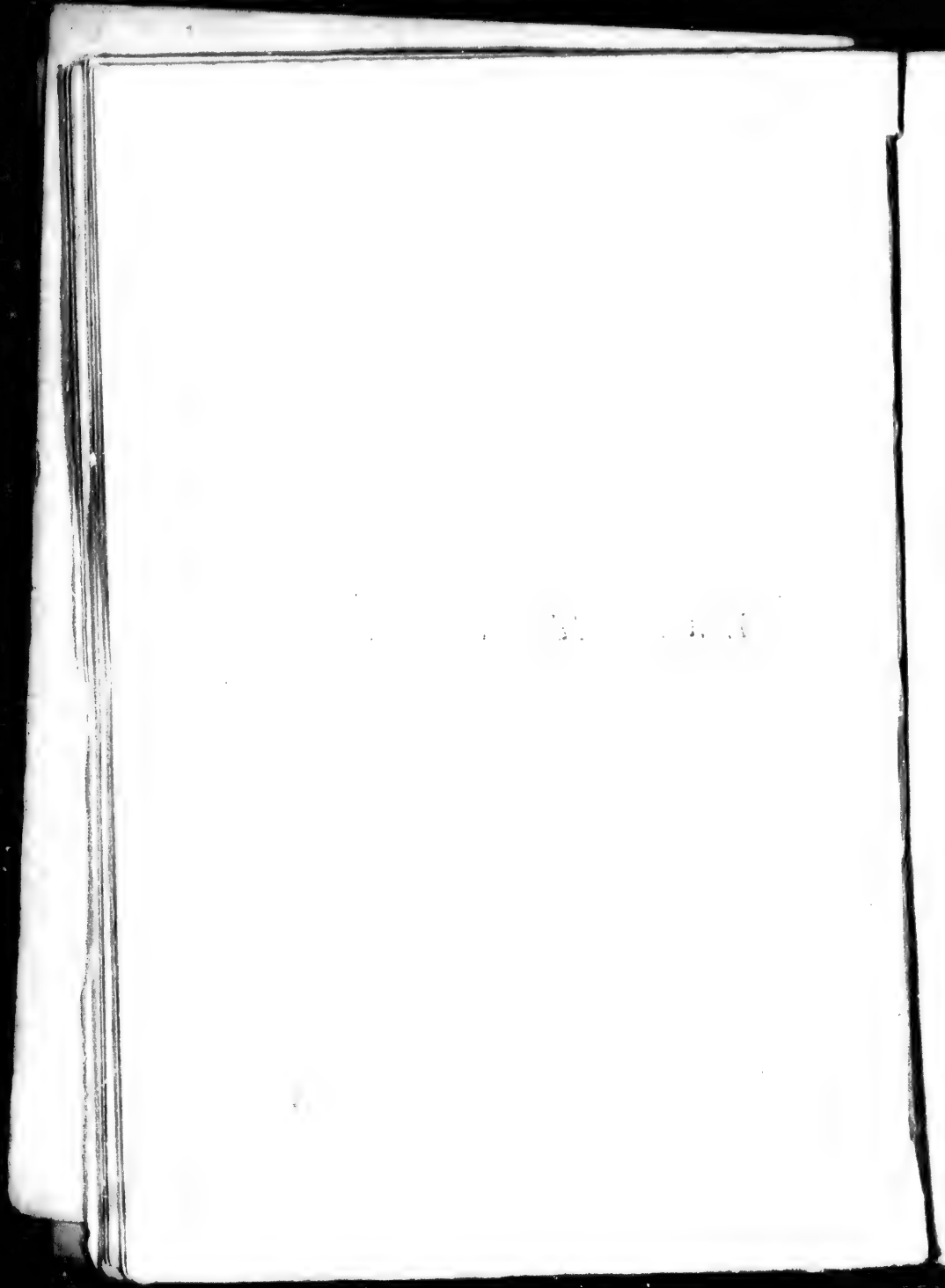
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**LEGISLATIVE COUNCIL.**





It is the opinion of many learned writers, that the lost Ten Tribes of the House of Israel, on their being carried away prisoners out of their own land, took their route up the Euphrates, and then taking a northeasterly course, passed over by Behrings Straits to the American Continent, and that these constituted the Aborigines of this country. Should such an opinion be correct, and there are many striking facts to justify it, the antiquity of councils in Canada, goes far beyond, even the Wittena gemote, or the meeting of wise men of the mother country. The Indian population has always been found to exist in tribes. Mr. Finley, in his history of the Wyandot Mission, gives the following information, respecting the form of government established by them:—Every tribe of Indians has its Totem, or some animal, which is the distinguishing mark of the tribe. The Totems of the Hurons or Wyandotts, are the bear, wolf, deer, porcupine, beaver, eagle, snake, big turtle, little turtle, and the land terrapin or turtle. Each of these tribes has its chief, or patriarch, and these chiefs compose the GRAND COUNCIL of the nation. Out of one of these tribes, always is chosen the head chief; and they are the royal tribe. But this chief is nominated by three other tribes; the Bear, the Deer, and the Big Turtle. When he is chosen, he has the power of presiding in all councils, and of choosing his aid who is called the *little chief*, and of appointing the *War Poll* or *War Chief*. It takes the council to declare war; but when war is declared, he, with his war chief, has the sole right of command, and all are bound to obey; and yet he and his war chief

are accountable to the council for their conduct in carrying on the war. The chiefs settle all civil matters between their tribes in council; and any difficulty in the tribe, is settled by the patriarch, or the tribe's chief and his council; for he has the right to appoint town chiefs, whose duty it is to keep order in villages or in hunting parties. The oldest man in the tribe is generally the tribe chief, for all the persons belonging to a tribe are considered as one family. The office of chief in the tribes is often hereditary, and if a chief has no heir, his oldest nephew takes his place. Town chiefs may be removed for bad conduct, or a neglect of duty, and another appointed in their place.

Among the Indians of the Algonquin stock, every man receives from his father a Totem or family name. They affirm that no man is by their customs allowed to change his Totem, and as this distinctive mark descends to all the children a man may have, as well as to all the prisoners he may take and adopt, it is manifest, that like the genealogies of the Hebrews, these Totems should afford a complete enumeration of the stocks, from which all families have been derived. Of the origin of this institution, the Indians profess to know nothing. They say, they suppose the Totem was given them in the beginning of the world, by their Creator.

On the conquest of Canada by the French, the constitution and legislative powers, were, when not exercised by the kings of France, or his Parliament, vested in a council appointed by the king, or those, to whom he gave commission, sometimes consisting of a larger, or sometimes of a smaller number of councillors. These were generally, the Governor, the Bishop, and a limited number of other persons. In 1664, on the establishment of *la Compagnie des Indes Occidentales*, these powers were vested in

the directors of this company. On the surrender of this company in 1674, the council was composed of the Governor, the Bishop of Quebec, or in his absence of his Grand Vicar, and seven councillors. Such was the constitution of Canada, till the conquest, when the King of England, by a proclamation issued from St. James's in October 1763, declared that *general assemblies* were to be summoned "to make, constitute, and ordain laws," and by the Quebec act, 14 Geo. 3, chap. 83, a *council*, consisting of persons *resident* within the colony not exceeding 23, nor less than 17, was established. In 1791, on the division of the Province into Upper and Lower Canada, the Parliament was to consist of two houses, a upper and lower house—the former called the Legislative Council, the latter, the Legislative Assembly, and each Province was to have separate Parliaments. The Legislative Councillors were to be appointed by the Governor under the Great Seal of the Province, and not fewer than seven for Upper Canada, and fifteen for Lower Canada. In 1840, the two Provinces were united, and one Legislative Council and Assembly was established for the whole Province, under which form the council now exists.

1843.

## LEGISLATIVE COUNCIL.

Hon. R. S. JAMESON, *Speaker.*

P B DeBlaquiere,

Peter M'Gill,

R B Sullivan,

R E Caron.

William Morris,

George Pemberton,

Alexander Fraser,

Barthelemi Joliette,

James Crooks,

Adam Fergusson,

John Fraser,

John Macaulay,

John Hamilton,

F P Bruneau,

John M'Donald,

Adam Ferrie,

J B Tache,

P H Knowlton,

Thomas M'Kay,

Gabriel Roy,

P H Moore,

Robert Dixon,

Amable Dionne,

Joseph Dionne,

George Goodhere,

L P Sherwood,

William Walker,

Sim. Washburn.

Canada, under the French, as under the British Crown, was governed by councils, in whom, till 1791, was vested the Supreme Provincial powers of making laws, to be assented to by the respective and successive Sovereigns. The individuals composing the council, could only hold the office during life, although soon after the conquest, by the British, a legal provision was made, by the parliament of England, for creating hereditary dignities and honours of the Province, and for summoning the heirs of the honoured possessor, to the Legislative Council. No dignity has, however, been created, nor has the provision ever been exercised.

The Legislative Council is now composed of twenty-nine members, and with the Legislative Assembly, hold their meetings at the Seat of Government.

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#### THE APPOINTMENT OF THE LEGISLATIVE COUNCILLORS.

By 3 and 4 Vic., chap. 35, the Governor by an Instrument under the Great Seal of the Province, is empowered to summon to the Legislative Council, such persons, not being fewer than twenty, as her Majesty shall think fit.

#### THEIR QUALIFICATION.

They must be natural born subjects, and of age.

#### DURATION OF OFFICE.

The tenure of office is for life, unless they shall absent themselves two successive Sessions from the Legislature of the Province, without the permission of her Majesty, or the Governor; or unless they shall swear allegiance or become citizens to any foreign power, or become bankrupt, insolvent, or attainted of treason, convicted of felony, or any infamous crime; in either of which cases, their seats shall become vacant.

## DISPUTED SEATS.

Questions which shall arise respecting any vacancy, shall be referred by the Governor of the Province, to the said Legislative Council, with power for persons, respecting whose seat, such question shall have arisen, or for the Attorney General of the Province on her Majesty's behalf, to appeal to her Majesty in Privy Council.

## PRIVILEGES.

The Legislative Council, is governed by rules of its own. Each member bears the title of "Honourable." By a rule of the House of Assembly, Legislative Councillors desirous of hearing the debates, may have seats without the Bar, withdrawing, when the House is cleared.

## THE SPEAKER.

The Speaker of the Legislative Council, is not elected by the council, but derives his appointment from the Governor.

## THE MEETING OF THE COUNCIL.

Ten members are necessary to constitute a meeting, including the Speaker. All questions are decided by a majority of voices, other than the Speaker, and when the voices shall be equal, the Speaker shall have the casting vote.

The Master in Chancery, attending the Legislative Council, is the Messenger from the council to the House of Assembly—the Clerk of which House, receives the message at the table.

All messages from the House of Assembly to the Council, are sent by two members, named by the Speaker, accompanied by the Sergeant-at-Arms.

## CONFERENCES.

When the House of Assembly shall judge it necessary to request a conference, the reasons to be given by the House upon the subject of the conference are prepared and agreed to by the House before the messengers are appointed to make the request.

## OFFICERS.

The Clerk of the Council, the Chamberlain, the Librarian, the Master in Chancery, the Usher of the Black Rod, and the Sergeant-at-Arms.

## MAKING LAWS.

See Compendium of Election Laws.  
Proceedings in Parliament.





**LEGISLATIVE ASSEMBLY.**



## COMPENDIUM OF ELECTION LAWS, &c.

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THE Laws governing the Election of Members to the House of Assembly for the Province of Canada, are somewhat complex. These Laws, divide themselves into three periods—namely—first, such as were enacted after the Conquest, and before the Division of the Provinces in 1791, into Upper and Lower Canada and such of them as are unrepealed, at present govern the whole Province of Canada, of which the principal, is the 31st Geo., 3 chap., 31, of the Imperial Parliament;—Secondly, the Laws passed by the Legislative Assemblies of the two Provinces, and which govern only those parts of the Province over which the respective Legislative Assemblies had jurisdiction:—and, Thirdly, the Laws passed since the Union of the Provinces, governing the whole Province of Canada—to which may be added, those of the Imperial Parliament. By the 3 and 4 Vic., c. 35, s. 27, of this Parliament, it is declared, that until provision shall otherwise be made “all the Laws which at the time of the passing that Act were in force in the Province of Upper Canada, and all the Laws which at the time of the passing of the 1 and 2 Vic., chap. 9, were in force relating to the qualification and disqualification of any person to sit or vote as a member, except those which require a qualification of property in Candidates for election, and relating to the qualification and disqualification of voters at the elec-

"tion of members to serve in the Assemblies respectively, and to the oaths to be taken by such voters, and to the powers and duties of returning officers, and the proceedings at such elections, and the period during which such elections may be lawfully continued, and relating to the trial of controverted elections and the proceedings incident thereto, and to the vacating of seats of members, and the issuing and execution of new writs, shall respectively be applied to election of members to serve in the Legislative Assembly of the Province of Canada for places situated in those parts of the Province of Canada, for which such Laws were passed."

The places represented, and the number of Representatives ; the qualifications of Electors, and of the Members ; and the time, and mode of election—form the chief objects of the Election Laws. Of the first, it will be observed, that after the first division of Canada into Electoral Districts, namely, in 1791, when Lower Canada was divided into 21 Counties and 4 representative Boroughs, and Upper Canada into nineteen Counties, the varied circumstances of the Province, in regard to population, led to a new division of the Lower Province, by the 9 Geo. 4, chap. 73, when that Province was divided into 40 counties ; while the Upper Province was adding to the electoral divisions, new counties, by the 38 Geo. 3, chap. 5, and the several other acts of the Provincial Legislature of that Province. Both Provinces, at different periods, providing, that the future population of the counties, should regulate the number of members to represent them, and, both fixing the amount at 1000 souls for one member, and 4,000, for two. The 3 and 4 Vic., chap. 35, fixed the number of County, and City or Town members—as we now find them—namely, for the

Counties, 68 ; and City and Town, 15 : but as the Statute of 9 Geo. 4, chap. 73, for the Lower Province, and 60 Geo. 3, chap. 2, for the Upper Province, regulating the representation by the population, remain unrepealed, under the *existing laws*, the members may be increased, on the population rising in amount, as prescribed by these acts ; and for the Upper Province, so soon as the Governor proclaims a township attached to the university, an additional member will be given to represent the university. In the qualification of electors, there is a difference in the two parts of the Province. In the Lower Province, the county qualification, 2 Geo. 4, chap. 4, requires that the elector shall have been in the actual receipt of the rents and profits for his own use ABOVE SIX CALENDAR MONTHS preceding the election, and does not require that the qualification should be registered ; whereas, in the Upper Province, by 4 Geo. 4, chap. 3, no person shall be qualified to vote, in respect of any estate unless the Deed of Conveyance under which he derives it, shall have been registered, three calendar months before the election, or unless he shall have been in actual possession or receipt of the rents and profits for his own use TWELVE CALENDAR MONTHS before such election. Until the 4 Geo. 4, chap. 3, for Upper Canada, there was no property qualification required from the members. By this act, members for the Legislative Assembly of this Province, were required to possess an unencumbered freehold of the assessed value of £80. ; but now by 3 and 4 Vic., chap. 35, members from both parts of the Province must possess unencumbered freehold estate in the Province of Canada, of the value of £500. sterling. The recent act of the Provincial Legislature, namely, 6 Vic., chap. 1, makes fresh arrangements in the proceedings at elections, in cases WHERE A POLL IS DEMANDED—

in which case, polls are to be taken in every Parish and Ward of the Electoral Divisions: but when there is no poll demanded, the form and mode of proceeding at elections and the place of election, is regulated by the Statutes of the Imperial Parliament 31 Geo. 3, chap. 31, 3 and 4 Vic., chap. 35, and the several unrepealed acts of the Provincial Legislatures of the late Provinces of Lower and Upper Canada. The whole of the laws now regulating the election of the Province, are therefore, arranged in the following pages:—First, setting forth the Counties, Cities, and Towns represented. Secondly, the number of members representing such Counties, Cities, and Towns. Thirdly, the electors qualifications, disqualifications, and duty. Fourthly, the qualification of members and their duty. Fifthly, the proceedings at elections. Sixthly, the place of holding elections, where no poll is demanded. Seventhly, the returning officer, his duties and powers, and of those incidents to election proceedings, which the circumstances of the Province from time to time have suggested. Eighthly, controverted elections. And lastly, a brief statement of the authority for summoning the Parliament and its duration. Such a summary may afford a guide to the Elector and Member, in the absence of any more enlarged treatise on the subject, and may, at times, save them the labour of collecting the information it gives, from the diffused pages of the Statute Book; although when particular knowledge is needed, it will be necessary to refer to them for further details and greater safety.

## STATUTES REFERRED TO IN THE FOLLOWING WORK.

### AS TO COUNTIES AND CITIES REPRESENTED

- 31 Geo. 3, chap. 31, Imp. Parl.
  - 9 Geo. 4, chap. 73, L. C.
  - 3 and 4 Vic., chap. 35, Imp. Parl.
  - 38 Geo. 3, chap. 5, U. C.
  - 56 Geo. 3, chap. 19, U. C.
  - 2 Geo. 4, chap. 3, U. C.
  - 4 Geo. 4, chap. 1, U. C.
  - 60 Geo. 3, chap. 2, U. C.
  - 4 Wm. 4, chap. 23, U. C.
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### AS TO THE NUMBER OF REPRESENTATIVES.

- 3 and 4 Vic., chap. 35, Imp. Parl.
  - 4 Wm. 4, chap. 23, U. C.
  - 57 Geo. 3, chap. 1, U. C.
- 

### AS TO ELECTORS.

- 31 Geo. 3, chap. 31, Imp. Parl.
  - 2 Geo. 4, chap. 4, L. C.
  - 4 Geo. 4, chap. 3, U. C.
  - 60 Geo. 3, chap. 2, U. C.
  - 5 Geo. 4, chap. 33, L. C.
  - 10 and 11 Wm. 4., c. 50, L. C.
  - 6 Vic., chap. 1, Imp. Parl.
- 

### AS TO MEMBERS.

- 31 Geo. 3, chap. 31, Imp. Parl.
- 4 Geo. 4, chap. 3, U. C.
- 3 and 4 Vic., chap. 35, Imp. Parl.
- 4 and 5 Vic., chap. 52, Canada.
- 6 Vic., chap. 1, Imp. Parl.
- 5 Geo. 4, chap. 33, L. C.



- 3 Wm. 4, chap. 15, L. C.
  - 43 Geo. 3, chap. 11, U. C.]
  - 5 Wm. 4, chap. 6, U. C.
  - 7 Wm. 4, chap. 21, U. C.
  - 1 Vic., chap. 17, U. C.
- 

#### AS TO PLACE OF HOLDING ELECTIONS.

- 5 Geo. 4, chap. 33, L. C.
  - 9 Geo. 4, chap. 73, L. C.
  - 2 Wm. 4, chap. 46, L. C.
  - 3 Wm. 4, chap. 22, L. C.
  - 6 Vic., chap. 1, Imp. Parl.
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#### AS TO PROCEEDINGS AT ELECTIONS.

- 6 Vic., chap. 1, Imp. Parl.
  - 5 Geo. 4, chap. 33, L. C.
  - 4 Geo. 4, chap. 3, U. C.
  - 3 Wm. 4, chap. 12, U. C.
  - 42 Geo. 3, chap. 3, L. C.
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#### RETURNING OFFICER.

- 31 Geo. 3, chap. 31, Imp. Parl.
  - 3 and 4 Vic., chap. 35, Imp. Parl.
  - 47 Geo. 3, chap. 16, L. C.
  - 2 Geo. 4, chap. 4, L. C.
  - 4 Geo. 4, chap. 8, L. C.
  - 5 Geo. 4, chap. 33, L. C.
  - 56 Geo. 3, chap. 2, U. C.
  - 4 Geo. 4, chap. 2, U. C.
  - 6 Vic., chap. 1, Canada.
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#### POPULATION RETURNS.

- 60 Geo. 3, chap. 2.

## PENALTIES.

5 Geo. 4, chap. 33.

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## CONTROVERTED ELECTIONS.

4 Geo. 4, chap. 4, U. C.  
 8 Geo. 4, chap. 5, U. C.  
 3 Wm. 4, chap. 12, U. C.  
 48 Geo. 3, chap. 21, L. C.  
 4 Wm. 4, chap. 28, L. C.

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## CONVENING THE LEGISLATIVE ASSEMBLY.

31 Geo. 3, chap. 31, Imp. Parl.  
 3 and 4 Vic., chap. 35, Imp. Parl.  
 7 Geo. 4, chap. 74, U. C.

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## PLACES REPRESENTED.

*County Representation of that part of the Province,  
 formerly Lower Canada.*

The number of counties originally sending Members, were 21, see 31, Geo. 3, chap. 31, Imperial Parliament. These were changed by 9 Geo. 4, chap. 73, L. C., and increased to 40. By 3 and 4 Vic., chap. 35, Imperial Parliament, Dorchester and Beauce; were united into one county; also La- prairie and Acadie; LaChesnay and L'Assomption; and Montmorency and Orleans. By the same statute every county, the population amounting to 1,000, should be represented by one, and when 4,000, by two. Counties, containing less than 1,000 should be attached to the adjoining, having the smallest number of souls.

The City and Borough representation of this part of the Province, was originally,—

The City and Town of Quebec,  
 The City and Town of Montreal,  
 The Town and Borough of Three Rivers,  
 The Town and Borough of William Henry ;  
 The three former, and the Town of Sherbrooke,  
 are the Cities and Towns now represented.

## UPPER CANADA.

### *County—Representation.*

The number of counties originally represented, were 19. By 38 Geo. 3, chap. 5, U. C., the counties of Prescott, Russell, Carlton, Addington, incorporated with Lenox, Simcoe, Haldimand, Oxford, and Middlesex, were added: the old counties underwent some modifications. By 56 Geo. 3, chap. 19, U. C., the counties of Halton and Wentworth: By 2 Geo. 4, chap. 3; and 4, Geo. 4, chap. 1, U. C., the county of Lanark: and Huron, by 1 Vic., chap. 25 were added. By 3 and 4, Vic., chap. 35, Imp. Parl. Halton is divided into 2 Ridings, Northumberland into two Ridings, and Lincoln also. By 3 and 4 Wm. 4, chap. 16, York is divided into four Ridings.

By 60 Geo. 3, chap. 2, U. C., each county having a population of 1000 souls, should be represented, by *one* member, and when the population should amount to 4,000, by *two*. Counties containing less than 1,000 souls to be attached to the adjoining county. By this act, the University of this Province when organized, should be represented by one member. By sec. 10, the number of souls in any Town, not to be considered as part of the number required, to give the county *two* members.

## CITY AND BOROUGH,

By the last act, every Town in which the District Quarter Sessions might be holden and in which there should be 1,000 souls, to have *one* member.

By 4, Wm. 4, chap. 23, U. C. the City of Toronto is added. By 3 and 4 Vic., chap. 35, Imp. Parl.,

The Towns of Kingston,  
 " " Brockville,  
 " " Cornwall,  
 " " Hamilton,  
 " " Niagara,  
 " " London,  
 " " Bytown,

are added. By 3 and 4 Vic., chap. 35, the boundaries of Cities and Towns to be limited in such manner as the Governor shall set forth within 30 days after the Union, and power is given to him to alter the divisions of Counties, Ridings, Cities, and — Towns.

#### AS TO THE NUMBER OF MEMBERS.

The number of County members in Lower Canada, was originally 39—it is now 36. The number of Borough members was formerly 11, now 6. In 1792, the number of County members in the Upper Province was 15—it is now 33, there were no regular Borough or Town members, originally in the Upper Province: there are now 9.

By 3 and 4 Vic. chap. 35, sec. 18, every county in Lower Canada, except Montmorency, Orleans, L'Assomption and L'Chésnaye. L'Acadie, Laprarie, Dorchester, and Beauce, should be represented by one. Montmorency, Leinster, Huntingdon, and Dorchester, by one. By the same act, every county, otherwise than Halton Northumberland, and Lincoln, in Upper Canada, should be represented by one.—The East and West Ridings of Halton, and the North and South Ridings of Northumberland, and North and South Ridings of Lincoln, by one.

Toronto originally sent one member, see 4, Wm. 4, chap. 23.—now two. Halton and Wentworth formerly sent one, see 57, Geo. 3, chap. 1.

The following therefore is the representation of the Counties, Cities, Boroughs, and Towns, in the Province of Canada.

COUNTIES, &c.

*The Honourable* AUSTIN CUVILLIER, *Speaker.*

|                         |                    |
|-------------------------|--------------------|
| Champlain,.....         | Rene J. Kimber,    |
| Ottawa, .....           | — Papineau,        |
| Vaudreuil, .....        | John Simpson,      |
| Beauharnois, .....      | E. J. Wakefield,   |
| Vercheres, .....        | L. M. Viger,       |
| Richelieu, .....        | D. B. Viger,       |
| St. Hyacinthe,.....     | T. Boutiller,      |
| Megantic, .....         | Hon. D. Daly,      |
| Three Rivers, Town..... | C. R. Ogden,       |
| Rouville, .....         | — Walker,          |
| L'Islet, .....          | E. S. Tache,       |
| Lotbiniere, .....       | J. B. I. Noel,     |
| Dorchester, .....       | A. Taschereau,     |
| Saguenay, .....         | E. Parent,         |
| St. Maurice, .....      | J. E. Turcotte,    |
| Rimouski, .....         | Hon. R. Baldwin,   |
| Kamouraska, .....       | A. Barthelet,      |
| Missisquoi, .....       | R. Jones,          |
| Sherbrooke, .....       | J. Moore,          |
| Drummond, .....         | R. N. Watts,       |
| Yamaska, .....          | J. G. Barthe,      |
| Gaspé, .....            | R. Christie,       |
| Bonaventure, .....      | J. R. Hamilton,    |
| Berthier, .....         | D. M. Armstrong,   |
| Quebec, .....           | J. Neilson,        |
| Quebec City, .....      | { D. Burnett,      |
|                         | { H. Black,        |
| Montreal, .....         | A. M. Delisle,     |
| Montreal City, .....    | { Hon. H. Moffatt, |
|                         | { B. Holmes,       |
| Montmorency, .....      | F. A. Quesnel,     |
| Portneuf, .....         | T. C. Aylwin,      |

|                               |                     |
|-------------------------------|---------------------|
| Nicolet,.....                 | James Leslie,       |
| Bellechasse,.....             | — Turgeon,          |
| Leinster,.....                | — De Witt,          |
| Terrebonne,.....              | M. McCulloch,       |
| Two Mountains,.....           | — Forbes,           |
| Huntingdon,.....              | A. Cuvillier,       |
| Chambly,.....                 | J. Yule, Jun.       |
| Stanstead,.....               | M. Child,           |
| Shefford,.....                | S. S. Foster,       |
| Sherbrooke, Town.....         | E. Hale,            |
| Glengary,.....                | J. S. McDonald,     |
| Stormont,.....                | A. McLean,          |
| Prescott,.....                | D. McDonald,        |
| Russell,.....                 | W. H. Draper,       |
| Cornwall, Town.....           | S. Y. Chesley,      |
| Dundas,.....                  | J. Crook,           |
| Grenville,.....               | S. Crane,           |
| Leeds,.....                   | J. Morris,          |
| Brockville, Town.....         | G. Sherwood,        |
| Lanark,.....                  | M. Cameron,         |
| Carleton,.....                | J. Johnson,         |
| Bytown, Town.....             | S. Derbshire,       |
| Frontenac,.....               | H. Smith, Jun.      |
| Kingston, Town.....           | S. B. Harrison,     |
| Prince Edward,.....           | J. P. Roblin,       |
| Lenox and Addington,.....     | J. S. Cartwright,   |
| Hastings,.....                | —                   |
| Northumberland, S. Riding.... | G. M. Boswell,      |
| “ “ N. do.....                | J. Gilchrist,       |
| Durham,.....                  | J. T. Williams,     |
| Toronto City,.....            | { Hon. J. H. Dunn,  |
|                               | { Hon. H. Sherwood, |
| York, 1st. Riding,.....       | J. Hervey Price,    |
| “ 2nd do.....                 | G. Duggan, Jun.     |
| “ 3rd do.....                 | J. E. Small,        |
| “ 4th do.....                 | L. H. Lafontaine,   |
| Simcoe,.....                  | E. Steele,          |

|                     |                |
|---------------------|----------------|
| Halton, E. R. ....  | C. Hopkins;    |
| “ W. R. ....        | J. Durand,     |
| Wentworth, ....     | H. Smith,      |
| Hamilton, Town .... | A. N. McNabb.  |
| Lincoln, N. R. .... | W. H. Merritt, |
| “ S. R. ....        | D. Thorburn,   |
| Haldimand, ....     | D. Thompson,   |
| Niagara, Town ....  | H. J. Boulton, |
| Norfolk, ....       | I. W. Powell,  |
| Oxford, ....        | F. Hincks,     |
| Middlesex, ....     | T. Parke,      |
| London, Town ....   | H. H. Killaly, |
| Essex, ....         | J. Prince,     |
| Kent, ....          | J. Woods,      |
| Huron, ....         | W. Dunlop.     |

### ELECTORS—THEIR QUALIFICATION, &c.

#### FOR COUNTIES.—LOWER CANADA.

By 31 Geo. 3, chap. 31, sec. 20, L. C., must be possessed for their own use and benefit, of lands or tenements within the District or County for which the Member is chosen, such lands being held in freehold, *fief* or *roture*, or by governors' certificate, of the yearly value of 40s. sterling, above all charges.

By 2 Geo. 4, chap. 4, sec. 6, L. C., the elector must have been in the actual possession or in receipt of the rents for his own use, six calendar months preceding such election, unless within the time, the same came to him by descent, marriage, marriage settlement.

By 4 Wm. 4, chap. 28, L. C., co-heirs cannot vote, unless each co-heir's portion is of 40s. value.

By 31 Geo. 3, chap. 31, sec. 22, electors must be of the age of 21, and natural born subjects.

By 5 Geo. 4, chap. 33, sec. 23, no person shall vote in respect of any estate granted or made over fraudulently, or more than once at the same election, or without being qualified, under a penalty of £10. currency. By section 19, persons guilty of perjury cannot vote.

#### OATHS BY VOTERS.

By 31 Geo. 3, chap. 31, sec. 22, voter before voting, if required, to take the oaths. Also, that he is possessed of his qualifications.

By 5 Geo. 4, chap. 33, sec. 16, and 10 and 11 Wm. 4, c. 50, every elector for Lower Canada before voting, to take one or more of the oaths required in these acts, and shall make oath that he has not before polled.

By 6 Vic., chap. 1, sec. 18, before voter polling if required, to take the oath required in this act.

#### FOR CITIES AND TOWNS—LOWER CANADA.

##### FREEHOLDS IN TOWNS.

By 31 Geo. 3, chap. 31, sec. 22, such persons as shall be possessed for their own use of a dwelling house and lot of ground in such town or township, being by them held in like manner as aforesaid, (see sec. 20) of the annual value of £5. sterling.

##### RESIDENTS.

Or having been resident within the said town for twelve calendar months next before the election, and shall have bona fide paid one year's rent for the dwelling house, after the rate of £10. sterling or upwards.

By 2 Geo. 4, chap. 4, sec. 37, L. C., electors as freeholders in the Upper and Lower towns of Quebec, and in the East and West Wards of the city of Montreal, in the town of Three Rivers, and Borough



of William Henry, shall not vote for such places, unless bona fide proprietors and possessors to their own use, of a legal title of a lot of ground and dwelling house thereupon, within the limits of the place for which the election is held of the value of £5. sterling, above all annual rents.

By same Act, sec. 8, no person shall vote as tenant in the above places as tenant of any house, or part of a house separately, unless he have actually resided in the part of the said towns, &c., twelve calendar months before the election, and do actually reside in the part of the town for which the election is holden, and unless he have actually paid one year's rent of £10. sterling, for the house or houses or part of a house.

Any person only having a counting house, office, or other place, used as such, not actually residing, shall not vote.

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## UPPER CANADA.

### COUNTIES, CITIES, AND TOWNS.

The 31 Geo. 3, chap. 31, applies to this part of the Province.

By 4 Geo. 4, chap. 3, sec. 13, U.C., no person shall be qualified to vote in respect of any estate sufficient to qualify him by law, not having come to him by grant, from the crown, descent, devise, or marriage, unless the deed under which he claims to hold such estate, shall have been registered three calendar months before the holding such election, or unless he shall have been in actual possession, or in receipt of the rents and profits for his own use twelve calendar months before such election.

By 60 Geo. 3, chap. 2, sec. 9, no person qualified to vote in any town shall be allowed to vote in the county in which such town is situate, upon the same freehold qualifying him to vote for the town.

By 4 Geo. 4, chap. 3, sec. 6, no person shall vote, who shall have sworn allegiance to any foreign state, or have been a stated resident in their dominions, unless he have previously resided 7 years, preceding the election, in the Province of Upper Canada, or some other part of Her Majesty's dominions, and taken the oath of allegiance.

#### MEMBERS.

By 31 Geo. 3, chap. 31, sec. 21, no person shall be capable of being a member, who shall be a member of the Legislative Council, a minister of the Church of England, or a minister, priest, ecclesiastic, or teacher, according to the Romish, or any other religious profession.

By 4 Geo. 4, chap. 3, sec. 2, U. C., no persons having resided in a foreign country, or taken the oath of allegiance to a foreign state, until such persons shall have resided seven years in Upper Canada before the election.

By 3 & 4 Vic., chap. 35, no person shall be capable of being elected member, who shall not be legally and equitably seized, as of freehold, for his own use of lands or tenements, held in free and common soccage, or held in fief or roture, within the Province of Canada, of the value of £500 sterling, over and above all charges.

By 2 Geo. 4, U. C., persons convicted of perjury cannot be elected.

#### OATHS AND DECLARATIONS.

By 4 Geo. 4, chap. 3, sec. 2, U. C., persons having resided in a foreign country, or taken the oath of allegiance to a foreign Prince, if required, shall take the oath prescribed by this act.

By 3 & 4 Vic., 35, no person shall sit or vote as a member, before taking the oaths prescribed by this act, and the 4 & 5 Vic., chap. 52.

## BRIBERY.

By 5 Geo. 4, chap. 33, L. C., persons guilty of, shall forfeit for every offence, the sum of £10 currency, and be incapable of election.

By sec. 26, all fraudulent conveyances, shall be taken as valid against parties making same. Parties making same, or privy to the fraud, voting, shall, for each conveyance, forfeit £40.

By 6 Vic., chap. 1, sec. 29, bribery or entertainments, given by candidates, invalidates the election, subjects the candidates to a penalty of not more than £100, and electors to be struck off the poll book.

## TREATING.

By 6 Vic. chap. 1, sec. 33, providing entertainment previous or during the election, or furnishing money or other property, for procuring the attendance of voters, or engaging to pay any compensation for voting, makes the party offending, guilty of a misdemeanour, and subject to a fine of £50 and six months imprisonment.

## FLAGS AND BANNERS.

By 5 Geo. 4, chap. 33, sec. 28, L. C., and 6 Vic., chap. 1, sec. 35, ensigns, standards, flags, ribbons prohibited, within one fortnight before the election on the day of election, or a fortnight after, under the pain of fine and imprisonment.

## EXPENSES AT ELECTIONS.

By 5 Geo. 4, chap. 33, sec. 6, L. C., the expenses of erecting the hustings, when required, shall be borne by the candidates.

## MEMBERS VACATING THEIR SEATS.

By 6 Vic., chap. 2, members accepting office of profit under the crown, vacate their seats; but not affecting officers of the army, navy, or militia, except on the staff.

## WAGES.

By 3 Wm. 4, chap. 15, L. C., each county member from the Lower Province, attending the sessions, shall be allowed 10s. currency for each days attendance, and 4s. currency for each league of travelling.

By 43 Geo. 3, chap. 11, U. C., each member shall be entitled to a like sum of 10s., for every day he shall have been engaged in attendance, and have been absent from his residence.

By 6 Wm. 4, chap. 1, U. C., the same allowance is made to town members. See also 5 Wm. 4, chap. 6, 7 Wm. 4, chap. 7, and 1 Vic., chap. 17.

## PLACE OF ELECTION OF MEMBERS.

The place of holding elections for the counties, cities, towns, and boroughs, where no poll is demanded, is regulated by the undermentioned statutes, for that part of the Province called Lower Canada, 5 Geo. 4, chap. 33, 9 Geo. 4, chap. 73, 2 Wm. 4, chap. 46, 3 Wm. 4, chap. 22.

By 31 Geo. 3, chap. 31, sec. 25, the Governor fixes by proclamation, the time and *place* of holding the election, where the provincial statutes make no provision. The following are the places for holding the elections in Lower Canada:—See 9, Geo. 4, chap. 73.

County of *Gaspe*, at Percy and St. George's Cove.

“ *Bonaventure*, at Carlisle and Carlton.

“ *Rimouski*, Rimouski, and at the parish of l'Isle Verte.

“ *Kamouraska*, at Kamouraska.

“ *L'Islet*, at L'Islet.

“ *Bellechasse*, St. Vallier and St. Gervais.

“ *Dorchester*, between the parishes of Saint Henry and Point Levi, nearest to the River Etchmin, and at St. Nicolas.

County of *Beauce*, at Grand Ligne, between the parishes of St. Claire and St. Marie, and at or near the line between the parishes of St. Joseph and St. Francois.

- " *Megantick*, in the Township of Leeds.
- " *Lotbiniere*, at Sainte Croix.
- " *Nicolet*, at Gentilly and Gregoire.
- " *Yamaska*, at the Indian Village of St. Francis.
- " *Drummond*, at Drummondville.
- " *Sherbrooke*, at Sherbrooke and at Richmond.
- " *Stanstead*, at Copp's Ferry and at the Village of Charleston, in the Township of Hatley.
- " *Missiskoui*, at the Village of Dunham, and at Freighleisburg,
- " *St. Hyacinthe*, at St. Hyacinthe.
- " *Rouville*, at Sainte Marie de Monnoir, and Henryville.
- " *Vercheres*, at Vercheres.
- " *Chambly*, at Longueuil.
- " *Laprairie*, at St. Constant.
- " *L'Acadie*, at the Village of Napierville.
- " *Beauharnois*, at St. Clement.
- " *Vaudreuil*, at Vaudreuil & at the Cedars.
- " *Ottawa*, at Hull, and some convenient spot on the bank of the River Petite Nation.
- " *Two Mountains*, at St. Eustache.
- " *Terrebone*, at St. Rose, and at St. Anne, des Plaines.
- " *Lachenaie*, at St. Roch.
- " *L'Assomption*, at St. Pierre, commonly called L'Assomption.
- " *Montreal*, at St. Laurent.

County of *Berthier*, at *Berthier*, and in the parish of *St. Paul*, near the church.

" *St. Maurice*, at *Yamachiche*.

" *Champlain*, at the *Ferry*, nearest the *River St. Lawrence*, on the north east of the *River Batiscan*.

" *Portneuf*, at *Deschambault*, and at *St. Augustin*.

" *Quebec*, at *Charlesbourg*.

" *Montmorency*, at *St. Anne*.

" *Saugenay*, at the *Bay St. Paul*, and at *Murray Bay*.

" *Orleans*, at *St. Jean*.

" *Shefford*, at or near the school house, in the township of *Farnham*.

Cities of *Quebec* and *Montreal*, Town and Borough of *Three Rivers*, and the Borough of *William Henry*, at the places respectively, as heretofore.

The 31 Geo. 3. chap. 31, regulates the places of holding elections in the Upper Province, under the Governor's proclamation.

Now, throughout the whole Province of Canada, by 6 Vic., chap. 1, sec. 2, at every election, at which a poll shall have been demanded and granted, a separate poll shall be opened and held for every parish, township and ward, into which the county, riding, city, town, or borough may be divided.

By sec. 3, until any city, town, or borough, shall be divided into wards, for general municipal purposes, the returning officer shall divide such places, for the purposes of such election, into two or more wards, and in cases where one or more parishes, or townships, from their not containing the requisite number of inhabitants, shall not have been enabled by law to hold parish meetings, for the election of township officers, and shall not have held such

meetings, but for such purposes shall have been united to any adjoining parish, or township, such parish or townships, shall, for the purposes of this act, be also united in the same parish, and there shall be one poll only. The poll shall be held at the places, where the then last town meeting, for the election of parish or township officers, and the poll for every ward in every city, &c., at the place the returning officer shall appoint; where no such town meetings shall have been held, then as nearly as possible to the most central and public place in such parish or township.

By sec. 7, electors shall poll their votes for the poll opened in the parish, in which the property lies, upon which they shall vote, and no other, under the penalty of £10 currency.

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#### PROCEEDINGS AT ELECTIONS.

By 5 Geo. 4, chap. 33, sec. 9. L. C., every returning officer, on receiving any writ of election, shall endorse the date of receipt, and within fifteen days cause public notice to be given of the day and hour for the election. Such notice shall be in the French and English language, posted up immediately before divine service, in the forenoon, at the door of every church or chapel, and publicly read in each parish, &c., not less than eight days, nor more than fifteen preceding the first day fixed for the election; and where there is no church or chapel, then at the most public place. The returning officer at the time or place, for holding the election, shall proclaim the election, requiring the electors to name a candidate, and if the candidates and electors agree, and he is satisfied, upon a show of hands, that the candidate proposed is duly

elected, he shall immediately close the election. But if any candidate present, or any three electors do not agree, and shall demand a poll, then the returning officer shall, forthwith, proceed to take the votes, and enter them in a book, to be used for the purpose. At the close of the election, the returning officer shall, immediately, proclaim the same, and execute an instrument under the hand and seal of the electors, one part of which he shall deliver to each of the candidates, and the other together, with the writ of election, his oath, and the oath of his clerk, he shall transmit to the clerk of the court in chancery.

The 4 Geo. 4, chap. 3, sec. 14, and 3 Wm. 4, chap. 12, U. C., formally regulated the proceedings of the returning officers in Upper Canada, when a poll was demanded, but this is now, done by the recent act of 6 Vic., chap. 1.

#### POLLING.

By 6 Vic. chap. 1, sec. 10, in the event of a poll being demanded, the returning officer shall grant the same, and forthwith appoint a day, not less than four nor more than eight for taking such poll; and by proclamation, give notice of the time and place of taking the polls. He then shall adjourn the further proceedings to some day within four days after the day fixed. Sec. 11, the polling shall commence in all the parishes, townships, and wards, at nine in the forenoon of the day fixed, and shall continue for two days only, in all counties, cities, towns, and boroughs, as shall not have any register of voters, and for one day, when there is a register: no poll shall be kept open later than five o'clock, in the afternoon of the second day, sec. 14. In all cases, where from any precept for taking the polls, not having been returned to the returning officer, by the day therein named, and the returning



officer shall not be prepared, on the day on which he had adjourned, to proceed to declare the general poll, such returning officer, instead of proceeding, shall further adjourn the proceedings in such election, to the following day, and so from day to day, till the precepts shall have been returned, provided he proclaim in every adjournment the cause, and in no case continue the adjournment as to interfere with his return of the writ of election.

Sec. 22, the returning officer shall keep copies of all the poll books, returned to him by his several deputies, and transmit the original poll book, with the writ of election and return, to the clerk of the crown in chancery, within 10 days after the closing the election.

In the County of Gaspé by 42 Geo. 3, chap. 3, L. C., the Governor could extend the return of any election writ, to any number, not exceeding one hundred days.

#### RETURNING OFFICER.

The Governor appoints him, see 31, Geo. 3, chap. 31, and 3 & 4 Vic., chap. 35. The acts formerly regulating the appointment and powers of returning officers, Lower Canada, were the 31 Geo. 3, chap. 31, 47 Geo. 3, chap. 16, 2 Geo. 4 chap. 4, 4 Geo. 4, chap. 8; these were repealed by the 5 Geo. 4, chap. 33. By this act, it is declared that no returning officer should be obliged to act at more than one election. That no members of the Executive or Legislative Council, or Justice of the Court of King's Bench, or Provincial Judge, or Physician, Miller or *Maitre de Poste*, or any, being 60 years of age, should be appointed returning officer.

By 5 Geo. 4, chap. 33, sec. 4, the returning officer of Lower Canada, is required to be resident, and an elector of the county, city, or borough, for which he shall have been named.

As to Upper Canada, sec. 56, Geo. 3, chap. 2, and  
4 Geo. 4, chap. 2.

### HIS FEES.

|                                                                                 | £ | s. | d. |
|---------------------------------------------------------------------------------|---|----|----|
| By 6 Vic. chap. 1, for attendance on the<br>the day of opening the election.... | 1 | 5  | 0  |
| On the day of closing.....                                                      | 1 | 5  | 0  |
| Where polls have been taken.....                                                | 1 | 0  | 0  |
| For the Clerk on the former day.....                                            | 1 | 0  | 0  |
| On the latter.....                                                              | 1 | 0  | 0  |
| For two Constables, on the day of open-<br>ing —, per diem.....                 | 0 | 10 | 0  |
| For Messenger to each Returning Offi-<br>cer, for each mile travelling.....     | 0 | 0  | 6  |
| For each Deputy, per diem.....                                                  | 1 | 0  | 0  |
| For each Poll Clerk .....                                                       | 1 | 0  | 0  |

### POWERS.

Sec. 29, he shall have power to maintain order  
and keep the peace at the elections.

### NEGLECT.

By 5 Geo. 4, chap. 33, sec. 9, neglecting to give  
notice of an election, subject to a penalty of £30  
currency.

Neglecting to perform duty, after appointment,  
the sum of £25 currency.

### DEPUTY RETURNING OFFICERS.

By 6 Vic. chap. 1, sec. 12, the returning officer  
shall appoint a Deputy for each parish, township,  
and ward, to take the poll; such deputy must have  
been a freeholder of the place for which he is  
appointed, twelve months before his appointment.  
By sec. 15, he has the same powers as the return-  
ing officers.

By 5 Geo. 4, chap. 33, sec. 16, returning officers of Lower Canada, are gratuitously to administer oaths to the electors, under a penalty of £10 currency.

By sec. 18, admitting persons to vote without taking the oaths, forfeits £10 currency.

By sec. 27, taking part in any election, by favouring any candidate, forfeits £5.

By sec. 32, to read certain portions of this act before proceeding to the election.

#### DEATH OF RETURNING OFFICERS.

By 5 Geo. 3, chap. 33, Lower Canada, and 6 Vic., chap. 1, in case of death, after commencement and before determination, his election or poll clerk is authorised to act in his stead, who shall be authorised to appoint his poll clerk to finish the election.

Before he proceeds to poll, he is to take and subscribe in the poll book, the oaths prescribed by the act.

#### POLL CLERK.

By 6 Vic., chap. 1. sec. 1, the returning officer to appoint a poll clerk for each place.

By sec. 19, after the close of the poll, and before the deputy shall have made his return, shall take and subscribe in the poll book, the oath prescribed by the act.

#### INTERPRETER.

By 5 Geo. 4. chap. 33, when an elector shall not understand the English or French language, the returning officer shall swear an interpreter.

#### CONSTABLES.

By 6 Vic., chap. 11, sec. 26, upon the written application of any candidate, or of any two electors, the returning officer is required to swear in the constables.

For preservation of order at elections, by 6 Vic., chap. 1, sec. 27, the returning officer or deputy, at elections, may demand and receive offensive weapons from any persons. Persons refusing to deliver same, guilty of a misdemeanour, and punishable, by fine, not exceeding £25, and imprisonment not exceed six months.

By sec. 27, persons guilty of bribery during the election, punishable by fine and imprisonment. See also 5 Geo. 4, chap. 33, sec. 29, Lower Canada.

Persons not to come armed during the election.

#### POPULATION RETURNS.

By 60 Geo. 3, chap. 2, sec. 3, Upper Canada, that the population required to be contained in every town, or county, for the election of members, shall be ascertained by the returns of the several town clerks of the number of souls in the several towns, or townships of Upper Canada, certified copies of which returns, the Clerk of the Peace, of the district, in which such town, or township, or county shall or may be situated, is required to transmit to the Governor. By sec. 8, the number of persons residing in any town, shall be ascertained and distinguished in the return of the town clerk of the township, in which such town shall be situated, from the number of souls of each township.

#### FINES AND PENALTIES.

By 5 Geo. 4, chap. 33, sec. 16, Lower Canada, are recovered by any person who shall sue, with full costs, by action of debt. Sec. 34, all fines except those which are granted to informers, shall be paid to the Receiver General, for the public uses of the Province.

#### LIMITATION OF ACTIONS.

Sec. 33, every action, suit, or information, shall be commenced within nine calendar months after the fact committed.

### CONTROVERTED ELECTIONS.

The trials of controverted elections are regulated by the Act 4 Geo. 4, chap. 4, for Upper Canada, continued by 8 Geo. 4, chap. 5, and 3 Wm. 4, chap. 12; and were regulated in the Lower Province by 48 Geo. 3, chap. 4, and 4 Wm. 4, chap. 28. Petitions are not to be taken into consideration without due notice, or without security first being given by the petitioner, to pay costs, if the petition should be founded on frivolous grounds. A special committee of members, selected by ballot, try the merits of the petition.

### THE CONVENING THE LEGISLATIVE ASSEMBLY.

The Legislative Assembly, like the Legislative Council, is called together by the Crown, and is convened by an Instrument under the Royal sign manual of her Majesty, her heirs or successors, authorizing the Governor of this Province, from time to time, as occasion shall require, in her Majesty's name, and by an Instrument under the Great seal of the Province, to summon and call together such Assembly. 31 Geo. 3, chap. 31, and 3 & 4 Vic., chap. 35. By the last mentioned Act, the writs for the election of members shall be issued by the Governor, within fourteen days after the sealing of such instrument, and such writs shall be directed to the returning officers of the counties, ridings, cities and towns, respectively, and shall be made returnable within fifty days at the farthest, from the day on which they shall bear teste.

In case of the death or resignation of any member, or by his being called to the Legislative Council, or from any other legal cause, a vacancy shall happen, such writs shall be made returnable, fifty days at the farthest, from the day on which they shall bear teste; and that, in case of any vacancy from

the causes mentioned, the writ for the election of a new member shall be issued within six days, after notice thereof shall have been delivered to, or left at the office of the proper officer for issuing such writ.

#### TIME OF ASSEMBLING.

By 31 Geo. 3, chap. 31, and 3 & 4 Vic., chap. 35, the Assembly shall be called together once in every twelve calendar months.

#### DURATION OF PARLIAMENT.

By the same statutes, every assembly shall continue for four years from the day of the return of the writs, for choosing, unless dissolved.

By 7 Geo. 4, chap. 74, U. C., it was declared that the Provincial Parliament should not be determined or dissolved by the death or decease of his Majesty, his heirs or successors.

#### PROCEEDINGS IN PARLIAMENT.

The election of the members to the House of Assembly being closed, the returning officer returns his precept with the person elected by the majority, together with the writ, to the clerk of the Crown in Chancery, before the day of meeting, if it be a new Parliament.

The members returned are the sitting members, until the House of Assembly, upon petition, shall adjudge the return to be false and illegal. They are governed by rules passed by their own House.

By 3 & 4 Vic., chap. 35, the presence of at least twenty members, including the speaker, is necessary to constitute a House. Upon the appearance of a quorum, the speaker takes the chair.

Leave of absence will not be granted to any member, unless forty-three are present in town, and upon the most urgent grounds.

On the first meeting of the House of Assembly, after the swearing in of the members, which is done

by the commissioners appointed by statute to administer the oath, and after they have taken their seats, the clerk reads the proclamation summoning the Parliament, and the Act of the 3 & 4 Vic., chap. 35; the House then proceeds to the election of a speaker. This is done by a member proposing the person to fill the office, seconded by another member. On the motion being put, and resolved on affirmatively, the clerk declares such person to be duly elected. The speaker is then conducted to the chair by the proposer and seconder, when, standing, he returns his humble acknowledgements to the House, for the great honour conferred on him.

He then takes his seat in the chair, and the mace is laid upon the table.

On the Usher of the black rod bringing the Governor's message for the Assembly's attendance in the Legislative Council Chamber, the speaker, with the House, attends the Legislative Council. The speaker then delivers the following address :—

**"MAY IT PLEASE YOUR EXCELLENCY,**

"According to law, the Legislative Assembly have proceeded to the election of a speaker, I am the person, upon whom their choice has fallen.

"If, on the execution of the important duties of my station, I should at any time fall into error, I entreat that the fault may be imputed to me and not to the Assembly, whose servant I have the honour to be, and that they may be the better enabled to discharge their duty to her Majesty and the country, I do, in their name, and on their behalf, lay claim to all their rights and privileges, particularly that they may have liberty of speech, for the better management of their debates, access to your Excellency's person on all seasonable occasions, and that their proceedings may receive from

your Excellency the most favourable interpretation."

The Speaker of the Legislative Council then replies:—

"His Excellency the Governor-General fully confides in the duty and attachment of the Assembly to her Majesty's person and government, and not doubting that their proceedings will be conducted with wisdom, temper, and prudence, he grants, and upon all occasions will recognize and allow their constitutional privileges.

"I am commanded also to assure you that the Assembly shall have ready access to his Excellency upon all seasonable occasions, and that their proceedings, as well as your words and actions, will constantly from him the most favourable construction receive."

The speaker of the House of Assembly cannot give his opinion or argue any question in the House, unless in case of an equality of votes. In each House, the act of the majority binds the whole, and this is declared by votes openly and publicly given. In all unprovided cases, the rules, usages, and forms of Parliament, are followed.

#### PASSING BILLS.

To bring a Bill into the House, if of a *private* nature, the following rules must be observed.

That bills of a private nature shall be introduced by a petition, presented by a member, and seconded.

That no bill be ordered or be permitted to be brought in, or any petition for any work proposed, to be carried on by tolls or duties, to be levied by subjecting particular places to the same, until such petition has been referred to a committee, and they



have examined thereof, and reported the same to the House.

That where any petition or bill presented to the House shall have been referred to a committee to examine the matter thereof, and report the same, as it may appear to them, to the House, the House will not admit any petitioners to be heard by themselves, or counsel against such petition or bill, until the matter thereof shall have been first reported to the House.

That the chairman of the committee for any private bill do not sit thereupon without giving a week's notice set up in the lobby.

That all persons whose interest or property may be affected by any private bill, shall appear in person before the committee to give their consent, and if they cannot personally appear, they may send their consent in writing, which shall be proved by the committee, by one or more witnesses.

That before any petition is presented for leave to bring in a private bill, whether for the erection of bridges, for the regulation of a common, for the making of any turnpike road, or for granting to any individuals any exclusive rights or privileges whatsoever, or for the alteration or renewing any Act of the Provincial Parliament, for the like purpose notice of such application shall be given in one of the newspapers of the District, published in the English and in the French languages, if any is published therein, and also by a notice fixed on the church doors of the parish or town, that such application may affect, or on the most public place where there is no church, during two months at least before such petition is presented.

The House will not receive any petition for private bills after the first fifteen days of each session.

The House will not receive any private bills, except in the first twenty-four days of each session.

The House will not receive any report of a special committee upon any such private bills, except within the first forty days of each session.

That all the expenses and costs attending on private bills, giving any exclusive privileges or advantage and the relative proceedings in the House thereon, ought not to fall upon the public, and that it is just and reasonable that part of such expenses and costs should be supported by those who apply for the said bills, and that a sum not less than £20, be deposited in the hands of the clerk of the House, by the petitioners, before the petition be received.

#### PUBLIC BILLS.

If of a *public* nature, the bill is brought in upon a motion made to the House, without any petition, and no motion shall be debated or put, unless the same be in writing and seconded. When a motion is seconded, it shall be read in English and in French by the speaker, if he is master of the two languages, if not, the speaker shall read in either of the two most familiar to him, and the reading in the other language shall be at the table, by the clerk or his deputy.

The persons bringing in the bill present it in a competent time to the House, drawn out on paper. This is read a first time, and at a convenient distance, a second time, and after each reading, the speaker opens to the House the substance of the bill, and puts the question whether it shall proceed any farther. After the second reading, it is committed, that is, referred to a committee which is either selected by the House in matters of small importance, or in cases of moment, the House resolves itself into a committee of the whole house. A committee of the whole house is composed of every member, and to form it, the speaker quits the chair, (another member being appointed chairman,) and may sit and debate as a private member. In these committees,

the bill is debated, clause by clause, amendments made, blanks filled up, and sometimes the bill new modelled, leaving the preamble and title to be last considered. After it has gone through the committee, the chairman re-puts it to the house, with such amendments as the committee have made, and then the house re-considers the whole again, and the question is put upon every clause and amendment made. When the house hath agreed or disagreed to the amendments of the committee, and sometimes added new ones of its own, the bill is ordered to be engrossed. When this is finished, it is read a third time, and amendments are then sometimes made, by attaching a separate writing to the bill; the speaker then again opens the contents and puts the question whether the bill shall pass. After this, one of the members is directed to carry it to the Legislative Council, and desire their concurrence, who, attended by several more, carries it to the bar of the Upper House, and there delivers it to the speaker.

It there passes through the same forms as in the Legislative Assembly, except engrossing, and if rejected, no more notice is taken. If it is agreed to, the Legislative Council sends a message by the master in Chancery, that they have agreed to the same, the bill remaining with the Legislative Council, if they have made no amendments. But if such amendments are made, such amendments are sent down with the bill, to receive the concurrence of the Legislative Assembly, and, if the Legislative Assembly disagree to the amendments, a conference usually follows between members deputed from each house; but if both parties remain inflexible, the bill is dropped. If the Legislative Assembly agree to the amendments, the bill is sent back to the Legislative Council by one of the members, with a

message to acquaint them therewith. The law clerk of the house revises all public bills after the first reading, and, after such revision, marks his initials and certifies in the endorsement of the said bills, in red ink, that the same are correct. The same forms are observed when the bill begins in the Legislative Council.

When both houses have done with any bill, it is left with the Legislative Council, or their officers, to await the royal assent.

Whenever any bill has been passed, it shall be presented, for her Majesty's assent, to the Governor. The Governor shall declare, at his discretion, subject to such instructions as may from time to time, be given by her Majesty, that he assents to such bill, or that he withholds, or that he reserves such bill. The Governor, whenever any bill has been assented to by him, by the first convenient opportunity, transmits to her Majesty's principal secretary, an authentic copy of such bill, and at any time, within two years her Majesty in Council, may disallow it; such disallowance being signified by the Governor to the Legislative Council, or by proclamation, shall make null and void the same.

#### RESERVED BILLS.

No reserved bill shall have any force until the Governor, by speech, message, or proclamation shall signify that her Majesty has assented, and that an entry shall be made in the journals of the Legislative Assembly, of every such speech, &c.; and no reserved bill shall have force unless her Majesty's assent shall have been signified within the space of two years.

#### COMMENCEMENT OF ACTS.

By 36 Geo. 3, chap. 1, the clerk of the Legislative Council shall endorse on every act of the Provincial Parliament, immediately after the title of such act, the day, month, and year when the same shall have

passed, and shall have been assented to by the Governor, and in every reserved bill, the day, month, and year in which the Governor shall signify that such bill has been laid before his Majesty or Council, and that his Majesty has assented to the same shall be endorsed, such endorsement to be the date of its commencement, where no other commencement is provided.

#### PUBLICATION OF THE LAWS.

The publication of the statutes was formerly provided for in the Lower Province, by the 34 Geo. 8, chap. 1, L. C., 43 Geo. 3, chap. 4, L. C., 9 Geo. 4, chap. 21, L. C. By 5 Wm. 4, chap. 33, L. C., the 9 Geo. 4, chap. 21, L. C. is repealed. By this act, copies are to be transmitted to the several persons in the cities of Quebec, Montreal, and Three Rivers, entitled to receive the same : to the officers commanding the several battalions or divisions ; and to persons residing in the country parts entitled to them, they are directed to be left at the parsonage houses.

The officers commanding the militia, and the church wardens in each of the country parishes, on the first Sunday succeeding the day on which the copies shall have been received, are to give notice at the door of the parish church, that such copies have been received, and that they may be obtained by the persons having right to the same.

For the townships, the copies are to be transmitted to the senior captain of militia, by whom public notice shall be given at the time when most usually frequented.

Within the District of Gaspe, the copies are to be sent to the clerk of the Provincial Court of the District of Gaspe, at Perce, Bonaventure, and at Carleton, to the senior captain of militia. [See 2 Vic., chap. 63, L. C.]

In Upper Canada, by 44 Geo. 3, chap. 5, U. C.,

the clerk of the Legislative Council is directed to send four copies of the acts to each member of the Legislative and Executive Councils ; four copies to each of the Judges of the King's Bench, ; a like number to the Attorney General, and twenty copies to each member of the Legislative Assembly, to be by them distributed in such manner as will best tend to promulgate the general knowledge of the laws.

By 4 & 5 Vic., chap. 11, the Governor is authorized to appoint a proper person to translate into the French language, the laws passed by the Legislature of the Province, and the said translation shall be distributed, under the direction of the Executive authority, among the people of the Province speaking the French language, in the same manner in which the English text of the said laws shall be printed and distributed among those speaking the English language.

1. The first part of the paper is devoted to a general  
discussion of the problem. It is shown that the  
problem is of great importance and that it has  
not been completely solved. The author then  
presents a new method for solving the problem.  
This method is based on the use of the  
variational principle. It is shown that this  
method is more accurate than the methods  
previously used. The author then applies this  
method to the case of a specific problem.  
The results of the calculations are presented  
and compared with the results of previous  
calculations. It is shown that the new method  
gives results which are in better agreement  
with the experimental data.

**STATISTICS OF LEGISLATION,**  
**IN THE CANADAS,**  
**FROM THE PERIOD OF THE QUEBEC ACT.**  
**TO**  
**1 8 4 2 .**

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**GENERAL ACTS.**


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|                                              | Lower<br>Canada. | Upper<br>Canada. | Canada. | Total. |
|----------------------------------------------|------------------|------------------|---------|--------|
| Constitutional .....                         | 2                | 5                | 2       | 9      |
| Public Health .....                          | 6                | 4                | 0       | 10     |
| Public Safety .....                          | 3                | 1                | 0       | 4      |
| <b>ECCLESIASTICAL.</b>                       |                  |                  |         |        |
| Religious Liberty .....                      | 16               | 5                | 1       | 22     |
| Dispensation of Oaths .....                  | 0                | 1                | 0       | 1      |
| Good order on Sunday .....                   | 0                | 7                | 0       | 7      |
| Church Building and Tempo-<br>ralities ..... | 3                | 0                | 1       | 4      |
| <b>FISCAL.</b>                               |                  |                  |         |        |
| Public Revenue Duties .....                  | 14               | 47               | 4       | 65     |
| Exemptions .....                             | 8                | 1                | 1       | 5      |
| Collection and Officers...                   | 10               | 11               | 0       | 21     |
| Appropriation between<br>the Provinces ..... | 8                | 8                | 0       | 16     |
| District Revenues .....                      | 0                | 7                | 1       | 8      |
| Public Lands .....                           | 3                | 18               | 2       | 19     |



|                                              | Lower<br>Canada. | Upper<br>Canada. | Canada. | Total. |
|----------------------------------------------|------------------|------------------|---------|--------|
| <b>TERRITORIAL DIVISIONS.</b>                |                  |                  |         |        |
| Divisions and Boundaries General .....       | 4                | 3                | 0       | 7      |
| District and County.....                     | 0                | 37               | 1       | 38     |
| Surveyor and Boundary Commissioners.....     | 0                | 10               | 1       | 11     |
| <b>MILITARY AND MARITIME.</b>                |                  |                  |         |        |
| Marine .....                                 | 7                | 0                | 0       | 7      |
| Militia.....                                 | 27               | 22               | 1       | 50     |
| <b>PARLIAMENTARY.</b>                        |                  |                  |         |        |
| Elections General .....                      | 10               | 13               | 0       | 23     |
| Controverted.....                            | 7                | 5                | 0       | 12     |
| For Particular Places...                     | 1                | 4                | 0       | 5      |
| Governing Members of House of Assembly.....  | 5                | 6                | 1       | 12     |
| Commencement of Acts .....                   | 2                | 1                | 0       | 3      |
| Continuance of Acts.....                     | 4                | 1                | 1       | 6      |
| Publication of Acts.....                     | 7                | 2                | 1       | 10     |
| Correction and Explanation...                | 0                | 2                | 0       | 2      |
| Duration of Parliament.....                  | 1                | 0                | 0       | 1      |
| <b>JUDICIAL CIVIL.</b>                       |                  |                  |         |        |
| Superior Courts in General Jurisdiction..... | 22               | 12               | 0       | 34     |
| Inferior Jurisdictions.....                  | 24               | 17               | 2       | 43     |
| Juries .....                                 | 1                | 3                | 0       | 4      |
| Practice .....                               | 13               | 30               | 2       | 45     |
| Evidence.....                                | 4                | 0                | 0       | 4      |
| Executions .....                             | 2                | 0                | 0       | 2      |
| Affecting Parties Civilly.....               | 19               | 14               | 0       | 33     |
| Judges and Law Officers....                  | 3                | 7                | 0       | 10     |
| Barristers and Attornies.....                | 3                | 8                | 0       | 11     |

|                                       | Lower<br>Canada. | Upper<br>Canada. | Canada. | Total. |
|---------------------------------------|------------------|------------------|---------|--------|
| <b>JUDICIAL, CRIMINAL.</b>            |                  |                  |         |        |
| Courts, of Criminal Jurisdiction..... | 3                | 17               | 0       | 20     |
| Practice of Criminal Courts.....      | 5                | 15               | 5       | 25     |
| Evidence, Criminal Cases ....         | 1                | 0                | 0       | 1      |
| <b>PROCEEDINGS, AFFECTING PARTIES</b> |                  |                  |         |        |
| Criminally.....                       | 10               | 5                | 0       | 15     |
| Crimes .....                          | 1                | 0                | 0       | 1      |
| Rebellion .....                       | 30               | 16               | 0       | 46     |
| Justices of the Peace.....            | 8                | 3                | 0       | 11     |
| Police, General .....                 | 12               | 0                | 0       | 12     |
| Gaols, General and Particular         | 23               | 27               | 0       | 50     |
| <b>DOMESTIC.</b>                      |                  |                  |         |        |
| Public Houses.....                    | 8                | 8                | 0       | 16     |
| Accidents from Fire.....              | 16               | 2                | 1       | 19     |
| Preservation of Fruits.....           | 2                | 1                | 0       | 3      |
| From Destruction by Animals .....     | 1                | 10               | 0       | 11     |
| Township Officers.....                | 1                | 14               | 1       | 16     |
| High Ways.....                        | 16               | 12               | 2       | 30     |
| Ferries.....                          | 0                | 2                | 0       | 2      |
| Damages from Travelling....           | 0                | 3                | 0       | 3      |
| Travelling and Post Houses            | 5                | 0                | 0       | 5      |
| <b>TRADE AND COMMERCE.</b>            |                  |                  |         |        |
| Trade, General.....                   | 9                | 5                | 0       | 14     |
| Particular .....                      | 46               | 17               | 2       | 65     |
| Currency.....                         | 5                | 8                | 2       | 15     |
| Weights and Measures.                 | 5                | 6                | 0       | 11     |
| Navigation .....                      | 7                | 6                | 0       | 13     |
| Fisheries .....                       | 1                | 5                | 1       | 7      |
| Agriculture .....                     | 12               | 4                | 0       | 16     |

|                                                 | Lower<br>Canada | Upper<br>Canada | Canada   | Total.    |
|-------------------------------------------------|-----------------|-----------------|----------|-----------|
| <b>LITERATURE AND SCIENCE.</b>                  |                 |                 |          |           |
| Education.....                                  | 8               | 10              | 2        | 20        |
| Universities .....                              | 0               | 2               | 0        | 2         |
| Useful Arts.....                                | 6               | 0               | 0        | 6         |
| Medicine,Physic,and Surgery                     | 1               | 6               | 0        | 7         |
| <b>REAL PROPERTY, AND<br/>CONVEYANCING.....</b> |                 |                 |          |           |
|                                                 | 18              | 19              | 0        | 37        |
| <b>RELATING TO PEOPLE, AS</b>                   |                 |                 |          |           |
| Emigrants.....                                  | 0               | 0               | 1        | 1         |
| Indians .....                                   | 0               | 6               | 0        | 6         |
| Poo. and Lunatics.....                          | 7               | 4               | 0        | 11        |
| Aliens .....                                    | 4               | 4               | 0        | 8         |
| Marriage .....                                  | 1               | 5               | 0        | 6         |
| Population Returns.....                         | 4               | 0               | 1        | 5         |
| Registry of Baptisms.....                       | 3               | 0               | 0        | 3         |
| <b>PRIVATE ACTS .....</b>                       | <b>7</b>        | <b>43</b>       | <b>5</b> | <b>55</b> |

|  | Lower<br>Canada. | Upper<br>Canada | Canada | Total. |
|--|------------------|-----------------|--------|--------|
|--|------------------|-----------------|--------|--------|

## LOCAL AND PERSONAL ACTS,

|                    |    |   |   |    |
|--------------------|----|---|---|----|
| Roads .....        | 4  | 8 | 0 | 12 |
| Bridges .....      | 42 | 2 | 0 | 44 |
| Navigation .....   | 5  | 3 | 0 | 8  |
| Canals .....       | 9  | 4 | 0 | 13 |
| Court Houses ..... | 3  | 2 | 0 | 5  |

## INCORPORATIONS AND COMPANIES.

|                                   |    |    |    |    |
|-----------------------------------|----|----|----|----|
| Municipalities .....              | 20 | 4  | 0  | 24 |
| Banking Companies .....           | 11 | 10 | 0  | 21 |
| Insurance Companies .....         | 7  | 7  | 0  | 14 |
| Manufacturing Companies .....     | 0  | 5  | 0  | 5  |
| Rail Road Companies .....         | 0  | 10 | 0  | 10 |
| Common Road Companies .....       | 0  | 2  | 0  | 2  |
| Harbour Companies .....           | 0  | 20 | 0  | 20 |
| Literary Institutions .....       | 3  | 0  | 0  | 3  |
| Benefit Societies .....           | 3  | 0  | 0  | 3  |
| Markets .....                     | 19 | 12 | 0  | 31 |
| Police .....                      | 9  | 13 | 0  | 22 |
| Poor .....                        | 0  | 7  | 33 | 40 |
| Miscellaneous Local Objects ..... | 0  | 28 | 0  | 28 |
| Personal Objects .....            | 6  | 2  | 0  | 8  |
| Commons .....                     | 20 | 0  | 0  | 20 |
| Public Buildings .....            | 10 | 0  | 0  | 10 |
| Coasts .....                      | 4  | 0  | 0  | 4  |

|                                               | Lower<br>Canada. | Upper<br>Canada. | Canada | Total. |
|-----------------------------------------------|------------------|------------------|--------|--------|
| <b>ACTS, BEING GOVERNMENT GRANTS, FOR</b>     |                  |                  |        |        |
| Poor .....                                    | 74               | 0                | 0      | 14     |
| Miscellaneous Objects .....                   | 56               | 96               | 0      | 152    |
| Charities .....                               | 23               | 34               | 0      | 57     |
| Education .....                               | 17               | 16               | 0      | 33     |
| Agriculture .....                             | 6                | 7                | 0      | 13     |
| Light Houses, and Harbours .....              | 9                | 39               | 0      | 48     |
| Roads .....                                   | 28               | 52               | 0      | 80     |
| Bridges .....                                 | 4                | 13               | 0      | 17     |
| Canals .....                                  | 11               | 22               | 0      | 33     |
| Rail Roads .....                              | 6                | 7                | 0      | 13     |
| Macadamized Roads .....                       | 0                | 8                | 0      | 8      |
| Companies .....                               | 0                | 2                | 0      | 2      |
| Interprovincial .....                         | 5                | 0                | 0      | 5      |
| Militia .....                                 | 10               | 27               | 0      | 37     |
| Gaols .....                                   | 32               | 2                | 0      | 34     |
| Contingent Expenses of Le-<br>gislation ..... | 16               | 42               | 0      | 58     |
| Civil Government .....                        | 27               | 17               | 0      | 44     |

---

**TOTAL.**

|                                                                        |          |
|------------------------------------------------------------------------|----------|
| General Acts .....                                                     | 1149     |
| Local and Personal .....                                               | 357      |
| Government Grants .....                                                | 648—2153 |
| Acts passed by Province of Quebec before the<br>Province divided ..... | 27       |
| Acts of Imperial Parliament .....                                      | 32       |

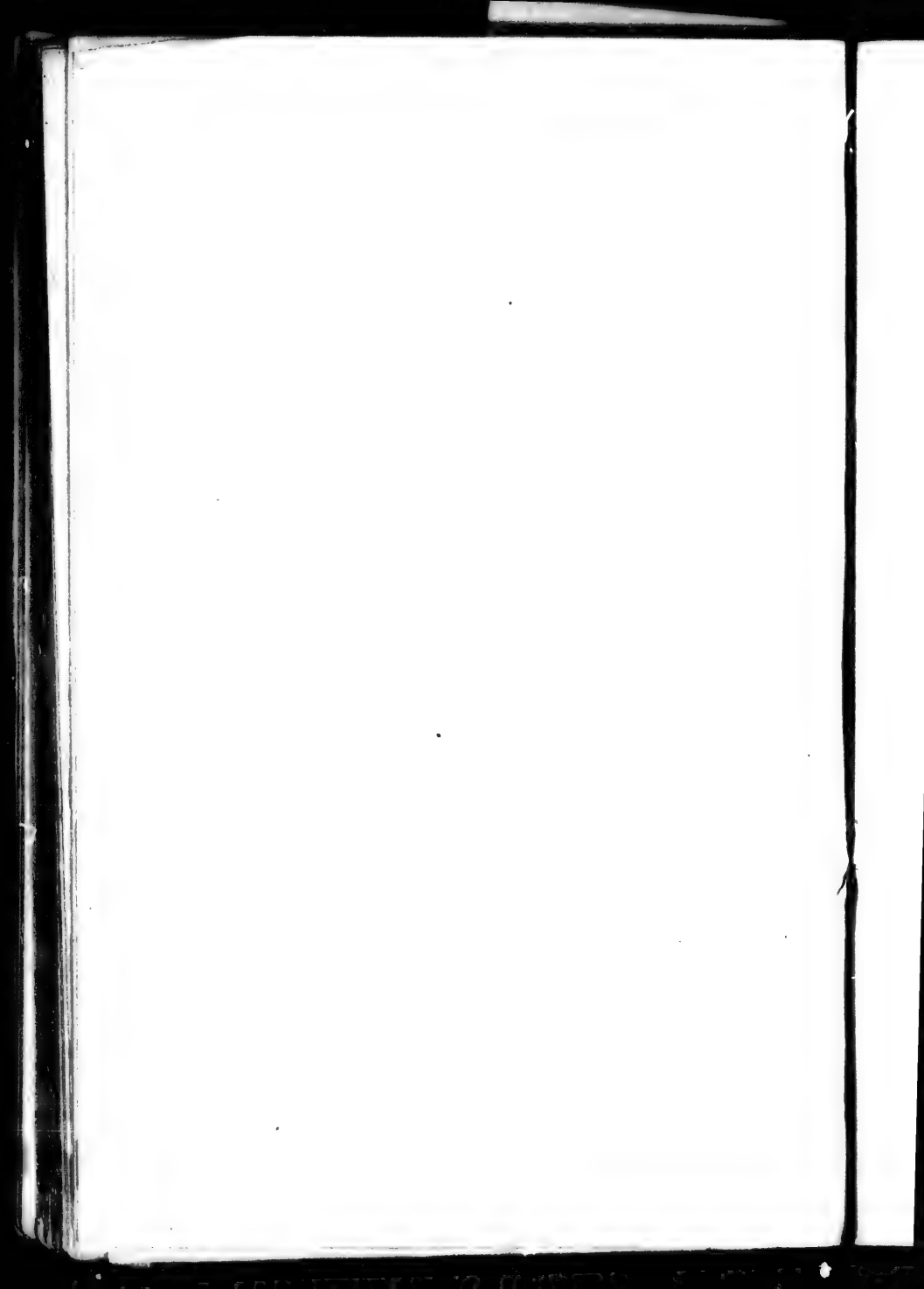
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Total British Statutory Law..... 2212

# APPENDIX I.

## COLONIAL LEGISLATURES.

| COLONIES.           | POPULATION. | Mem. of<br>Legis've<br>Council. | Members<br>House of<br>Assembly |
|---------------------|-------------|---------------------------------|---------------------------------|
| Jamaica.....        | 360,000     | 12                              | 45                              |
| Cape Good Hope..... | 153,000     | 12                              | 0                               |
| Nova Scotia.....    | 150,000     | 12                              | 45                              |
| Tobago.....         | 150,000     | 19                              | 16                              |
| New Brunswick.....  | 120,000     | 2                               | 28                              |
| Ionian Isles.....   | 65,000      | 6                               | 40                              |
| Newfoundland.....   | 60,000      | not stated                      | 15                              |
| Antigua.....        | 35,000      | 10                              | 26                              |
| St. Vincent.....    | 26,000      | 12                              | 19                              |
| St. Kitts'.....     | 23,000      | 10                              | 24                              |
| Grenada.....        | 21,000      | 9                               | 27                              |
| Dominica.....       | 18,600      | 12                              | 20                              |
| Bahamas.....        | 12,000      | 12                              | 30                              |
| Bermuda.....        | 8,500       | 8                               | 36                              |
| Montserrat.....     | 7,000       | 11                              | 12                              |
| Upper Canada.....   | 400,000     | 29                              | 83                              |
| Lower Canada.....   | 660,000     |                                 |                                 |



## APPENDIX II.

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THE authors who have written in support of the opinion, that the Indians are the descendants of the Ten Lost Tribes, are very numerous—viz., Manasseh Ben. Israel, a learned Jew, who lived in 1650; the famous William Penn; the Rev. Mr. Beatty an Indian Missionary; Emanuel de Mezeray a Portuguese; and Monsieur de Guignes a French Historian; Beltrami the Italian Traveller, and the Earl of Crawford and Lindsay, who says:—"It is curious and pleasant to find how the customs of these people compete with the laws of Moses," and adds, "it is a sound truth, that the Indians are descended from the Ten Tribes, and time and investigation will more and more enforce its acknowledgment."

It is supposed that these Tribes, marched from the banks of the Euphrates to the northeast of Asia, some remaining by the way of Tartary, in China.

From the various parts of Asia, it is believed, that the more enterprising and persevering went on gradually advancing to its northeastern extremity, till they arrived at Bherings Straits, where during the winter, it would be perfectly easy to cross over to the nearest part of the Continent of America, a distance of less than thirty miles, and this rendered more easy, by the existence of the Copper Islands on the way. Here, it is believed that during a course of two thousand years, they spread themselves from this point northward to Labrador, and southward to Cape Horn, multiplying as they proceeded; some settling in every part, but more populously in the rich countries, and agreeable climate of Central America.—*Buckingham's America.*





### APPENDIX III.

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*Kiely vs. Carson.*—Speaker of the Newfoundland House of Assembly.

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This case, recently determined before the Privy Council, takes from Colonial Assemblies, the power of arrest, and the right of bringing a man, before their Bar, on a complaint by a Member, of a contempt committed beyond its precincts.



# INDEX

## TO GENERAL SUBJECTS.

---

|                                                       | PAGES.   |
|-------------------------------------------------------|----------|
| Constitution of Canada.....                           | 7 to 10  |
| Executive Councillor's Patent.....                    | 10 to 11 |
| List of Governors.....                                | 12 to 13 |
| List of Lieutenant Governors of Upper<br>Canada ..... | 14       |
| List of Governors since the Re-union...               | 14       |

### LEGISLATIVE COUNCIL.

|                                              |          |
|----------------------------------------------|----------|
| Council .....                                | 17 to 19 |
| Councillors, 1843.....                       | 20       |
| Appointment of.....                          | 21       |
| Qualification of.....                        | 21       |
| Duration of Office.....                      | 21       |
| Disputed Seats of.....                       | 22       |
| Privileges of.....                           | 22       |
| Speaker.....                                 | 22       |
| Meeting of Council.....                      | 22       |
| Conference with Legislative<br>Assembly..... | 23       |
| Officers of Council.....                     | 23       |
| Making Laws.....                             | 23       |

## LEGISLATIVE ASSEMBLY.

|                                       |          |
|---------------------------------------|----------|
| Introduction : Compendium of Election |          |
| Laws .....                            | 23 to 30 |
| Statutes Governing Elections.....     | 31 to 33 |
| Convening of.....                     | 52       |
| Time of Meeting.....                  | 53       |
| Duration of.....                      | 53       |
| Proceedings in.....                   | 53       |
| Speaker, choice of.....               | 54       |
| Bills—Private passing of .....        | 55       |
| Rules, concerning.....                | 56       |
| Public, passing of.....               | 57       |
| Royal Assent to.....                  | 59       |
| Reserved.....                         | 59       |

## PLACES REPRESENTED.

|                                       |          |
|---------------------------------------|----------|
| Counties Represented, Lower Canada... | 33 to 34 |
| Upper Canada...                       | 34       |
| City and Borough.....                 | 34 to 35 |
| Members, number of.....               | 35       |
| House of Assembly, 1843.....          | 36 to 37 |

## ELECTORS.

|                                                  |          |
|--------------------------------------------------|----------|
| Qualification of, for Counties Lower Canada..... | 38 to 39 |
| for Cities and Towns,                            |          |
| Lower Canada.....                                | 39       |
| for Counties, Cities and                         |          |
| Towns, Upper Canada                              | 40 to 41 |

## MEMBERS.

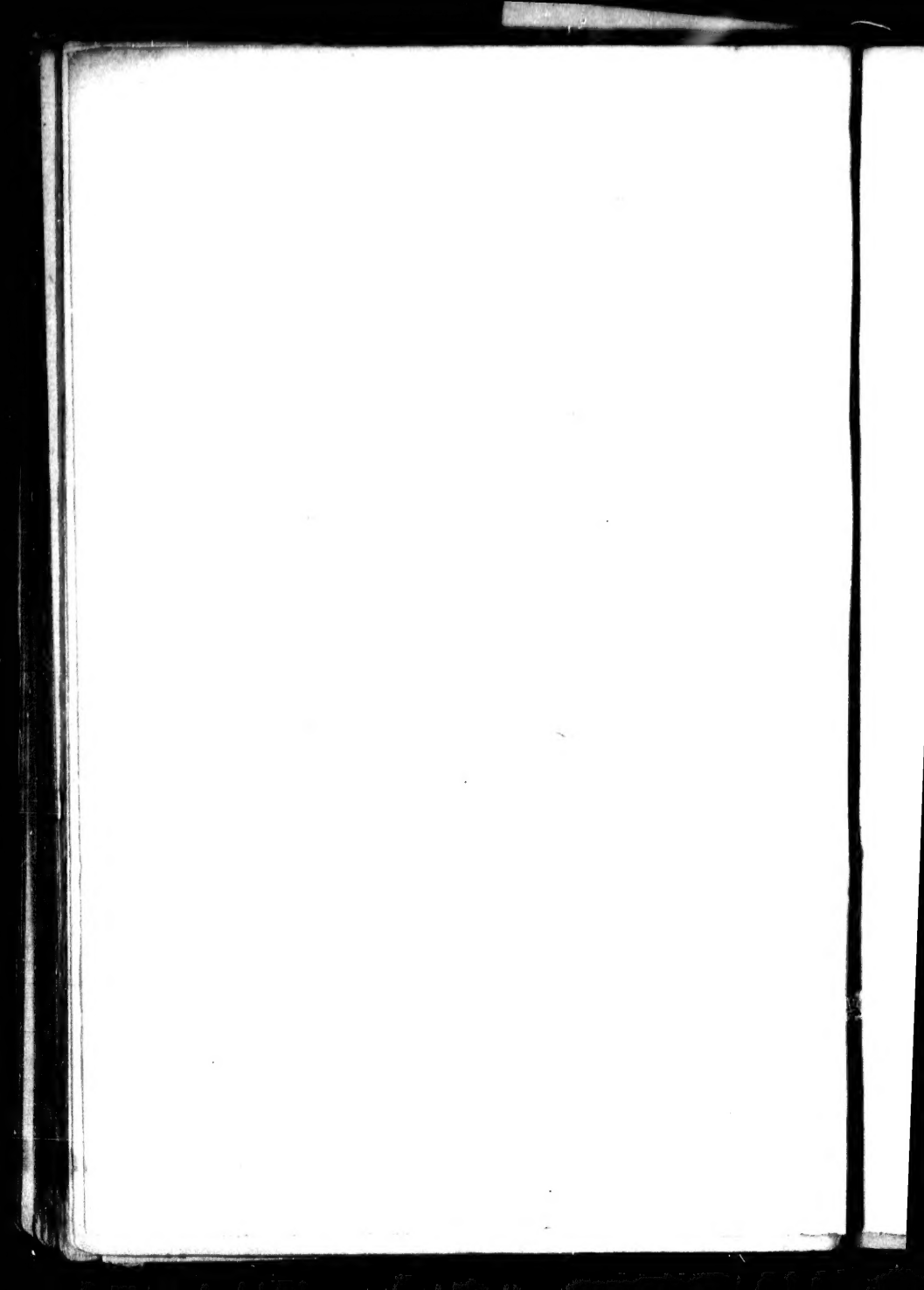
|                           |    |
|---------------------------|----|
| Qualifications of .....   | 41 |
| Oaths by.....             | 41 |
| Vacating their Seats..... | 42 |
| Wages of.....             | 43 |
| Bribery .....             | 42 |
| Treating .....            | 42 |
| Flags and Banners.....    | 42 |

## ELECTIONS.

|                     |          |
|---------------------|----------|
| Places of.....      | 43 to 46 |
| Proceedings at..... | 46       |
| Polling at.....     | 47       |
| Controverted.....   | 52       |
| Expenses of .....   | 42       |

## RETURNING OFFICER.

|                                                                |          |
|----------------------------------------------------------------|----------|
| Appointment of.....                                            | 48       |
| Fees of.....                                                   | 49       |
| Powers of.....                                                 | 49       |
| Neglect by.....                                                | 49       |
| Deputy—his.....                                                | 49       |
| Death of.....                                                  | 50       |
| Poll Clerk.....                                                | 50       |
| Interpreter .....                                              | 50       |
| Constables .....                                               | 50       |
| Population Returns.....                                        | 51       |
| Fines and Penalties.....                                       | 51       |
| Limitation of Actions.....                                     | 51       |
| Commencement of Acts.....                                      | 59       |
| Publication of Acts.....                                       | 60       |
| Statistics of Legislation from the Con-<br>quest, to 1842..... | 63 to 68 |
| Appendix.....                                                  | 69 to 73 |



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